

California State Plan for Municipal Waste Combustors

**Stationary Source Division
Emissions Assessment Branch**

September 1998

**State of California
California Environmental Protection Agency**

**Air Resources Board
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P.O. Box 2815
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State of California
California Environmental Protection Agency
Air Resources Board

**California State Plan for
Municipal Waste Combustors**

EXECUTIVE SUMMARY

On December 19, 1995, the United States Environmental Protection Agency (U.S. EPA) promulgated regulations for Municipal Waste Combustors (MWC) implementing sections 111 and 129 of the federal Clean Air Act (FCAA). The regulation, entitled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Municipal Waste Combustors" includes New Source Performance Standards (NSPS) for new municipal waste combustors and Emission Guidelines (Guidelines) for existing municipal waste combustors. U.S. EPA issued a final rule amending the regulation on August 25, 1997. For existing MWC units (those constructed on or before September 20, 1994), the regulation requires that each state develop and submit a "State Plan" to the U.S. EPA which identifies how the federal requirements outlined in the Guidelines will be satisfied. This document, developed by the California Air Resources Board (ARB) in cooperation with the affected air pollution control and air quality management districts (districts), represents California's State Plan to implement the Emission Guidelines.

1. What do the federal regulations require?

The regulations (Title 40, Code of Federal Regulations, Part 60, Subpart Cb and Subpart Eb) affect new and existing MWC units with capacities to combust more than 250 tons of municipal solid waste (MSW) per day. Units with capacities less than 250 tons per day are not addressed by the regulations. It is important to understand that these regulations affect individual MWC units and not MWC facilities. MWC facilities with multiple units must ensure that each unit complies with the requirements independently of any other units.

The regulation establishes emission limits for particulate matter (PM), cadmium (Cd), lead (Pb), mercury (Hg), sulfur dioxide (SO₂), hydrochloric acid (HCl), dioxins and furans, carbon monoxide (CO), and oxides of nitrogen (NO_x), and includes requirements for opacity and ash handling. It also promotes good combustion practices, and includes requirements for testing, monitoring, recordkeeping and reporting, and operator training and certification.

2. Why were the federal regulations developed?

The U.S. EPA was required under sections 111 and 129 of the FCAA, as amended in 1990, to develop and adopt performance standards and Guidelines for MWC units based on maximum achievable control technology (MACT) to address public concerns about MWC's and other solid waste combustion units. According to U.S. EPA, much of the public concern from MWC emissions focused on the perceived level of dioxin and furan emissions as well as the tendency for many MWC units to be located in federal non-attainment areas. Emissions from MWC sources also contain other pollutants which can have adverse effects on the public health. U.S. EPA believes that the NSPS and Guidelines will significantly reduce emissions from MWCs nationwide.

3. How many MWC's in California will be affected by the Guidelines?

In California, there are three active MWC facilities that will be affected by the Guidelines. Combined, these facilities represent six MWC units, each of which has the capacity to combust greater than 250 tons of MSW per day. Two of the facilities are located in the South Coast Air Quality Management District (SCAQMD) and the third is located in the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). These facilities are currently controlled employing state-of-the-art air pollution control technology and require only minor upgrades to their control systems in order to ensure continuous compliance with the new emission standards. Additionally, all three facilities will need to satisfy operator training and certification requirements and the recordkeeping and reporting requirements. The facilities have already begun to address these issues. None of the facilities will be affected by the NSPS; however, new MWC facilities that are constructed in California will be required to meet the requirements of the NSPS as well as other district requirements.

4. What is the purpose of the State Plan?

The purpose of the State Plan is to implement the requirements of the Guidelines for existing MWC units specified in 40 CFR Part 60 Subpart Cb (Emission Guidelines and Compliance Times for Existing MWCs that are Constructed on or Before September 20, 1994). Additionally, sections 111 and 129 of the FCAA and the Guidelines require the ARB to submit an approvable State Plan to the U.S. EPA Regional Administrator. A state plan is not required for new MWC facilities, or facilities constructed after September 20, 1994, because they are subject to the NSPS.

5. What is contained in the State Plan?

The major elements of the State Plan, as outlined in 40 CFR Part 60 Subpart B (Adoption and Submittal of State Plans for Designated Facilities), are:

- ▶ a demonstration of the state's legal authority to carry out the State Plan;
- ▶ identification of an enforceable mechanism for implementing the Guidelines;
- ▶ an inventory of applicable sources and emissions from those sources;
- ▶ emission standards that are at least as health protective as those in the Guidelines;
- ▶ compliance schedules;
- ▶ testing, monitoring, and recordkeeping and reporting requirements;
- ▶ opportunity for public participation on the State Plan; and,
- ▶ provisions for progress reports to U.S. EPA.

The key component of the State Plan is the enforceable mechanism which is developed by the districts to implement the State Plan. In California, the affected districts have decided to use operating permits that have been modified to reflect the requirements of the Guidelines as the enforceable mechanism. A more detailed discussion of each element is given in Section III.

I. INTRODUCTION

This document is California's "State Plan" for implementing and enforcing the requirements of the Emission Guidelines (Guidelines) for municipal waste combustors (MWCs) as required under the federal Clean Air Act (FCAA) as amended in 1990. The United States Environmental Protection Agency (U.S. EPA) was required under sections 111 and 129 of the FCAA to develop and adopt performance standards and emission guidelines for MWCs based on maximum achievable control technology (MACT). The performance standards and guidelines are intended to address public concerns about emissions from MWCs.

This regulation, entitled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Municipal Waste Combustors" codified in Title 40 Code Of Federal Regulations (CFR), Part 60, Subpart Cb and Subpart Eb, was promulgated by the U.S. EPA on December 19, 1995, and contains New Source Performance Standards (NSPS) for new MWC units and Emission Guidelines (Guidelines) for existing MWC units. The NSPS and Guidelines are based on the U.S. EPA Administrator's determination that MWCs cause or contribute significantly to air pollution that may be reasonably anticipated to endanger public health or welfare (60 Federal Register 65387, December 19, 1995). In addition to the requirements applicable to each MWC unit, the regulation also requires that each state develop and submit for U.S. EPA approval a section 111/129 State Plan to implement and enforce the requirements of the Guidelines for existing MWC units. Pursuant to section 129 and Title 40 CFR Part 60, Subpart B (Adoption and Submittal of State Plans for Designated Facilities), the plan is to include a listing of affected facilities, an emissions inventory, emission standards at least as health protective as those given in the Guidelines, compliance times, procedures used for determining compliance with the emissions standards, a demonstration of legal authority to carry out the state plan, a record of public participation, a legally enforceable mechanism for implementing the Guidelines, provisions for progress reports to U.S. EPA, and legally enforceable increments of progress towards compliance.

As a result of these regulations, the California Air Resources Board (ARB) is submitting this document as the State Plan for MWCs in California. This State Plan is organized to present an overview of the requirements of the Guidelines. It includes a discussion of how California has satisfied the required elements of the State Plan, and contains a series of attachments which present the documentation of those elements, where appropriate. The attachments are organized as follows:

Attachment A: This section contains the California State Attorney General's certification that the laws of the State of California provide adequate authority to implement and enforce the requirements of the Emission Guidelines. Additionally, a listing of district rules applicable to permitting from the affected districts is provided.

- Attachment B: This section contains copies of the district operating permits for each MWC unit at each facility. The permits have been modified so that the facilities must comply with the requirements of the Emission Guidelines.
- Attachment C: This section presents an inventory of all the MWC facilities in California to which the Guidelines apply. It gives the physical location of each facility, summarizes the air pollution control equipment that is used, and gives the operational status. It also includes an inventory of emissions for the designated pollutants.
- Attachment D: This section documents the opportunities the public has had to provide comments.
- Attachment E: This section demonstrates the equivalency between standardizing emission rates to 12% CO₂ or 7% O₂.
- Attachment F: This section contains the justification for the alternate increments of progress used by one of the affected facilities.

II. OVERVIEW OF FEDERAL REQUIREMENTS

The NSPS and Guidelines apply to MWC units with capacities to combust more than 250 tons of municipal solid waste (MSW) per day. MWC units constructed after September 20, 1994, are considered new units and must satisfy the requirements of the NSPS. Units constructed on or before September 20, 1994, are considered existing units and must satisfy the requirements of the Guidelines which are covered by this State Plan.

The NSPS and Guidelines are similar in structure, but the NSPS contains stricter emission limits and includes siting requirements for new MWC's. Additionally, the NSPS establishes requirements for sources and can be adopted by reference by each air pollution control or air quality management district (district). The Guidelines, however, do not contain direct requirements for existing sources. Instead, sections 111 and 129 of the Guidelines require states, and in California, the ARB and affected districts, to submit a State Plan to the U.S. EPA Regional Administrator.

The Guidelines include emission limits for nine pollutants, as well as requirements for operator training and certification, recordkeeping, monitoring, and facility operation. Emission limits for particulate matter (PM), cadmium (Cd), lead (Pb), mercury (Hg), sulfur dioxide (SO₂), hydrochloric acid (HCl), dioxins and furans, carbon monoxide (CO), and oxides of nitrogen (NO_x) and requirements for stack opacity and ash handling are established. Total emissions at a facility are not aggregated to determine compliance with the emission standards; therefore, if a

MWC facility has more than one MWC unit, each unit at the facility is required to satisfy the requirements of the Guidelines independently of any other units at the facility.

U.S. EPA has also included requirements for the training and certification of main facility operators and shift supervisors. Facility operators and shift supervisors must be certified as MWC operators through the American Society of Mechanical Engineers (ASME) or an equivalent state program which emphasizes the importance of good combustion practices. In California, one equivalent program is the ASME program, QRO-1-1994, "Standard for the Qualification of Resource Recovery Facility Operators" which the affected facilities will be using to satisfy the operator training and certification requirements.

The ARB has identified three operating MWC facilities which are affected by the Guidelines (ARB, 1991; IWSA, 1996). Two of the facilities are located in the South Coast Air Quality Management District (SCAQMD) and the third is located in the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The three facilities account for a total of six MWC units, each with a capacity greater than 250 tons per day.

III. STATE PLAN REQUIREMENTS

This section discusses the elements required in the State Plan pursuant to 40 CFR Part 60 Subpart B and Subpart Cb and shows how California has satisfied those requirements. Under each area, the appropriate references in Subpart B and Subpart Cb have been provided.

1. Demonstration of Legal Authority (Ref. 60.26(a) of Subpart B)

Each state is required to demonstrate that it has the necessary legislative framework in place that shows that the State and the districts have the authority to implement and enforce the requirements of the Guidelines. The California Legislature has already established this framework in the California Health and Safety Code (HSC). Pursuant to the HSC, the districts have the primary responsibility over stationary sources. The HSC gives them the authority to develop and implement rules or impose permit conditions to control emissions from stationary sources necessary to protect the public health.

Attachment A presents the letter of certification from the California State Attorney General certifying that the laws of the State of California and the districts provide adequate authority to carry out the Section 111/129 State Plan to implement and enforce the requirements of the Guidelines for municipal waste combustors. Additionally, a listing of the applicable rules for affected each district is provided.

2. Identification of Enforceable Mechanism
(Ref. 60.24(a) of Subpart B)

Having demonstrated adequate legal authority to carry out the State Plan, each district is required to identify the enforceable mechanism that will be used to implement the Guidelines. In California, the affected districts have four mechanisms that they can utilize: a U.S. EPA adopted federal plan, a district rule, a federal Title V operating permit, or a modified district operating permit.

a. Districts Allow U.S. EPA to Adopt a Federal Plan

Each district has the option of not taking any action to ensure compliance with the Guidelines. Under this scenario, the regulation requires U.S. EPA to adopt and implement a federal plan in lieu of a state plan. This federal plan would most likely be the same for all sources nationwide and would limit each district's ability to address source-specific needs. The affected districts did not select this option.

b. Adoption of a District Rule

The districts have the option of adopting a district rule that contains requirements at least as protective as those in the Guidelines. Unlike the NSPS, the Guidelines cannot be simply incorporated into the district's rulebooks. The districts are required to conduct their normal rulemaking process and incorporate the requirements into a rule format. Since the rulemaking process is resource intensive, the affected districts decided that the development of a rule for MWCs would not be an appropriate means to satisfy the requirements due to the small number of affected facilities.

c. Federal Title V Permits

Sources that are subject to section 111 of the FCAA are also subject to Part 70, which requires these sources to apply for a federal Title V permit within one year of approval of the State Plan. However, the U.S. EPA requires that the enforceable mechanism must be in effect at the time the State Plan is submitted for approval. Although the California State Attorney General has certified that the districts have the authority to issue Title V permits as the enforceable mechanism, both the SJVUAPCD and the SCAQMD have determined that Title V permits could not be finalized in timely manner. Each facility, however, is still required to submit its Title V application to the district within one year after U.S. EPA approval of the State Plan.

d. District Operating Permits

The MWCs in California are issued a district operating permit and the California State Attorney General has certified that the districts have the authority to modify these permits and incorporate the requirements presented in the Guidelines. Considering the number of MWC sources, this approach is the most expedient. The SJVUAPCD and the SCAQMD, with the

support of their respective facilities, decided to use the district facility operating permits as the enforceable mechanism. Using existing permitting and nuisance rules, the district operating permits have been modified to contain emission limits at least as protective as those stated in the Guidelines and the required elements for testing, monitoring, recordkeeping, reporting, compliance schedules and operator training and certification. Attachment B contains copies of the district operating permits as the enforceable mechanism for each of these facilities.

3. Facility and Emission Inventories
(Ref. 60.25(a) and 60.25(c) of Subpart B)

An inventory of the MWCs and their emissions of the designated pollutants is required for the State Plan. The ARB compiled a listing of the MWCs using information obtained from the districts, previous ARB surveys, and the 1996 Integrated Waste Services Association (IWSA) directory. This inventory listing, presented in Table C-1 of Attachment C, includes the location of each facility, the capacity of each MWC unit in tons per day (tpd), and a summary of the installed control equipment.

The ARB has also compiled a summary of emissions data from each facility based on the most recent source test reports on file at the districts. The summary, presented in Table C-2 of Attachment C, compares the emission rates from the source tests to the emission limits given in the Guidelines. Table C-3 presents the annual emission rate in tons per year. For each facility, the equivalent annual emissions based on the U.S. EPA emission limits were calculated and compared to the emissions each MWC unit emitted.

4. Emission Standards
(Ref. 60.24(b)(1) of Subpart B and 60.33b, 60.34b, 60.35b, 60.36b, and 60.37b of Subpart Cb)

The State Plan is required to include emission standards that are at least as protective as the Guidelines. This allows the districts to consider more stringent limits should they be determined to be necessary to protect the public health. In addition to the emission limits for the nine designated pollutants, the State Plan must include provisions for good combustion practices and the training and certification of MWC operators. The affected districts have complied with these requirements by incorporating the new emission standards and operation and training requirements as presented in the Guidelines into the operating permits for each MWC unit (see Attachment B).

5. Test Methods, Monitoring, Recordkeeping, and Reporting Requirements
(Ref. 60.24(b)(2) and 60.25 of Subpart B and 60.38b and 60.39b of Subpart Cb)

In addition to the emission standards, the SJVUAPCD and the SCAQMD have modified the operating permits of their MWCs to contain the required elements for testing, monitoring, recordkeeping, and reporting. Specifically, periodic performance tests (source tests) and continuous emissions monitoring systems (CEMS) are required and the sources must maintain

records for at least five years. The districts do have the option of selecting alternative test methods provided that the district demonstrates that they are equivalent to those specified in 40 CFR Part 60, Appendix A. At this time, neither of the affected districts is seeking the use of alternative test methods; however, SJVUAPCD is requiring the standardization of emission rates to 12% CO₂ (carbon dioxide) as opposed to 7% O₂ (oxygen). In accordance with section 60.58b of Subpart Eb, referenced by section 60.38b of Subpart Cb, the relationship between O₂ and CO₂ can be established during a performance test. This demonstration is provided in Attachment E.

Additionally, each state is required to submit annual reports to the U.S. EPA on each facility's progress of complying with the Guidelines. At a minimum, this annual report is to include the compliance status of a facility, a listing of any enforcement actions, the status of any applicable increments of progress, and any updated facility or emissions inventory information compiled from source tests. Each source must maintain each annual report for five years as a part of their overall recordkeeping and make them available to the district, ARB, and U.S. EPA representatives upon request. Because of the small number of affected facilities, it is reasonable to allow each facility to select a reporting format they feel is necessary to convey the required information (e.g. a letter or short report with supporting documentation). The ARB suggests that each source submit their annual reports to their district, ARB, and U.S. EPA Region IX simultaneously.

6. Compliance Schedules and Increments of Progress

(Ref. 60.21(h), 60.24(a), and 60.24(e)(1) of Subpart B and 60.39b of Subpart Cb)

Districts using a compliance schedule of more than one year for any provision contained in a MWC operating permit are required to have that provision satisfied by three years after U.S. EPA's approval of the State Plan or December 19, 2000, whichever is earlier. Facilities are also required to show measurable increments of progress towards compliance. Pursuant to Section 60.21(h) of Subpart B, those increments must include: a final control plan or description of the work to be done; dates for awarding contracts for any construction or related purchases; dates for initiating and completing the construction or installation of control equipment or process changes; and, a final demonstration of compliance. Two MWC facilities have identified the need to make process changes they feel are necessary to ensure continuous compliance with the emission standards. A compliance schedule with measurable increments of progress, as specified in Section 60.21(h) of Subpart B, has been included in the operating permits for these facilities. Additionally, since one of the facilities has requested a increments of progress significantly different than U.S. EPA's preferences, this facility has provided written justification for its alternate schedule. This justification is provided in Attachment F. Increments of progress are not required for schedules that require final compliance within one year of U.S. EPA approval of the State Plan.

7. Public Participation
(Ref. 60.23(f)(1) and 60.23(f)(2) of Subpart B)

Each state is required to present documentation that the public had an opportunity for public participation in developing the state plan. Public participation can be in the form of a public meeting or other alternative procedures approved by U.S. EPA. To satisfy the public participation requirements, the affected districts used their normal public notification procedures to inform the public of the State Plan. This included placing public notices in newspapers that serve residents around each facility to alert them of the State Plan, informing the public where a copy of the State Plan can be obtained, providing an address to forward comments, and the procedures for the public to request a hearing. A public hearing was not requested in the SCAQMD; however, the SJVUAPCD held a public meeting on this item in conjunction with their regular board meeting. No public testimony or comments were received by either district. Records of public participation are compiled in Attachment D.

IV. IMPLEMENTATION OF THE EMISSION GUIDELINES

The two affected districts will have the responsibility of implementing the State Plan. Activities that the districts must pursue to implement and enforce the Guidelines include: ensuring that the two sources that require extended compliance schedules complete each increment of progress by deadlines specified in the operating permits; ensuring that the sources complete the operating training and certification requirements, including preparation of the site-specific training manual; ensuring that there is an annual review of the site-specific training manual; ensuring that the sources remain in compliance with the emission standards and other requirements of the Guidelines; and, ensuring that any required reports are submitted to U.S. EPA by the appropriate deadlines.

REFERENCES

ARB, 1991. Air Pollution Control at Resource Recovery Facilities: 1991 Update, California Air Resources Board, 1991.

IWSA, 1996. "The 1996 IWSA Municipal Waste Combustion Directory of United States Facilities," Integrated Waste Services Association, May 1996.

ATTACHMENT A

**CALIFORNIA STATE ATTORNEY GENERAL'S
CERTIFICATION OF LEGAL AUTHORITY**

**California State Attorney General's
Certification of Legal Authority**



State of California
Office of the Attorney General

Daniel E. Lungren
Attorney General

February 3, 1997

Ms. Felicia Marcus
Regional Administrator
Region IX, U.S. Environmental
Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Attention: David P. Howekamp

Dear Ms. Marcus and Mr. Howekamp:

You requested that the Office of the Attorney General of the State of California certify that state law contains certain necessary provisions under federal law. At my direction and under my control, this office has investigated those issues at the request of the California Integrated Waste Management Board.

I hereby certify pursuant to my authority as Attorney General of the State of California and in accordance with sections 111(d) and 129 of the Federal Clean Air Act, as amended November 15, 1990 (42 U.S.C. §§7401-7671q) (hereinafter "FCAA"), and Subpart B of Part 60, 40 Code of Federal Regulations (hereinafter "CFR"), that in my opinion the laws of California provide adequate authority to (1) establish enforceable permit conditions applicable to the designated facilities and pollutants identified under the Emission Guidelines for municipal waste combustors promulgated by the U.S. Environmental Protection Agency pursuant to sections 111(d) and 129 of the FCAA on December 19, 1995 (60 Fed. Reg. 65387), (2) adopt compliance schedules applicable to the designated facilities, and (3) implement and enforce the relevant laws, regulations, standards and compliance schedules. The specific authorities provided are contained in statutes and regulations which are or will be fully effective by the time the State plan is approved, and include those identified below and those incorporated by reference from the enclosed letter dated November 12, 1993, addressing California's authority to implement Title V (Operating Permits) of the FCAA. All statutory references are to the California Health and Safety Code (hereinafter, "HSC") unless otherwise indicated.

I. ESTABLISHMENT OF ENFORCEABLE PERMIT CONDITIONS.

State law provides authority for California's 34 air pollution control and air quality management districts (hereinafter, "districts") to issue operating permits to the designated facilities and to incorporate into permits and assure compliance with each applicable requirement of the FCAA. State law also provides for prohibition of permit issuance to facilities that do not comply with applicable requirements. **Applicable requirements include the requirements of emission guidelines promulgated under FCAA sections 111(d) and 129. Applicable requirements also include district prohibitions against discharge of air contaminants under Health and Safety Code section 41700.** These authorities are cited in the enclosed November 12, 1993 letter, pages 1-3, "Authority to Issue Permits," page 7, "Incorporation of All Applicable Requirements into Permit," and as additionally specified below.

Additional Federal Authority: FCAA §§111(b)(1)(A), 111(d), 129, 42 U.S.C. §§7411(b)(1)(A), 7411(d), 7429; 40 CFR §§60.33b, 60.34b, 60.35b, 60.36b, 60.37b, 70.2, 70.3(a), 70.3(b).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §40506.1 (Added by Stats. 1992, Ch. 371), HSC §40507 (Added by Stats. 1976, Ch. 324, amended by Stats. 1993, Ch. 1166 (AB 2288)), HSC §40702 (Stats. 1975, Ch. 957), HSC §41700 (Stats. 1975, Ch. 957), HSC §41701 (Stats. 1975, Ch. 957, amended by Stats. 1977, Ch. 644), HSC §42300.1 (Added by Stats. 1992, Ch. 1126 (AB 3790)), HSC §42301.1 (Added by Stats. 1988, Ch. 1568), HSC §42301.6 (Added by Stats. 1988, Ch. 1589, last amended by Stats. 1991, Ch. 1183 (AB 928)), HSC §42315 (Added by Stats. 1986, Ch. 1134, amended by Gov. Reorg. Plan No. 1 of 1991, §140, effective July 17, 1991), HSC §42350 (Stats. 1975, Ch. 957, last amended by Stats. 1993, Ch. 1166 (AB 2288)), HSC §42353 (Stats. 1975, Ch. 957), HSC §42358 (Stats. 1975, Ch. 957).

II. ADOPTION OF COMPLIANCE SCHEDULES.

State law provides authority for the districts to issue permits to sources that are not in compliance with applicable requirements, and to include compliance schedules in permits to bring sources into compliance through adoption of compliance schedules applicable to the designated facilities and pollutants. These authorities are cited in the enclosed November 12, 1993 letter, pages 3-4, "Authority to Issue Permits to Noncomplying Sources" and as additionally specified below.

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Additional Federal Authority: FCAA §§129(b)(2), 129(d)-(f), 42 U.S.C. §§7429(b)(2), 7429(d)-(f); 40 CFR §§60.35b, 60.38b, 60.39b.

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §40702 (Stats. 1975, Ch. 957), HSC §41702 (Stats. 1975, Ch. 957), HSC §41703 (Stats. 1975, Ch. 957, amended by Stats. 1979, Ch. 239, effective July 10, 1979), HSC §42301.1 (Added by Stats. 1988, Ch. 1568), HSC §42301.5 (Added by Stats. 1981, Ch. 147, amended by Stats. 1987, Ch. 602), HSC §42315 (Added by Stats. 1986, Ch. 1134, amended by Gov. Reorg. Plan No. 1 of 1991, §140, eff. July 17, 1991), HSC §42351.5 (Added by Stats. 1976, Ch. 1113, last amended by Stats. 1990, Ch. 150 (AB 3124)), HSC §42353 (Stats. 1975, Ch. 957), HSC §42357 (Stats. 1975, Ch. 957), HSC §42358 (Stats. 1975, Ch. 957).

III. ENFORCEMENT OF THE RELEVANT LAWS, REGULATIONS, STANDARDS, AND COMPLIANCE SCHEDULES.

State law provides civil and criminal enforcement authority, including authority to seek injunctive relief, as cited in the enclosed November 12, 1993 letter, page 11, "Enforcement of Permits Program Requirements" and as additionally specified below.

Additional Federal Authority: FCAA §§111(d), 129(b)(2), 129(e), 129(h), 42 U.S.C. 7411(d), 7429(b)(2), 7429(e), 7429(h); 40 CFR §60.39b.

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §39659 (Added by Stats. 1992, Ch. 1161 (AB 2728)), HSC §42300.1 (Added by Stats. 1992, Ch. 1126 (AB 3790)), HSC §42301 (Stats. 1975, Ch. 957, last amended by Stats. 1994, Ch. 727 (AB 3119)), HSC §42301.7 (Added by Stats. 1988, Ch. 1589), HSC §42356 (Stats. 1975, Ch. 957), HSC §42362 (Stats. 1975, Ch. 957).

IV. AUTHORITY TO OBTAIN INFORMATION.

State law provides authority to incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into operating permits consistent with 40 CFR §70.6 and provides authority to request information from regulated sources regarding their compliance status as cited in the enclosed November 12, 1993 letter, page 6, "Monitoring, Recordkeeping, and Reporting," and as additionally specified below.

February 3, 1997

Additional Federal Authority: FCAA §114, 129(c), 42 U.S.C. §7414, 7429(c); 40 CFR §60.39b.

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §39600 (Stats. 1975, Ch. 957), HSC §39605 (Stats. 1975, Ch. 957, last amended by Stats. 1981, Ch. 700, effective Sept. 23, 1981), HSC §39607 (Stats. 1975, Ch. 957, last amended by Stats. 1995, Ch. 713 (AB 1027)), HSC §39659 (Added by Stats. 1992, Ch. 1161 (AB 2728)), HSC §42301.3 (Added by Stats. 1993, Ch. 1180, amended by Stats. 1994, Ch. 720 (AB 2090)), HSC §42303.5 (Added by Stats. 1976, Ch. 1063, effective Sept. 21, 1976), HSC §42336 (Added by Stats. 1991, Ch. 1209 (AB 158)), HSC §44341 (Added by Stats. 1987, Ch. 1252, operative July 1, 1988), HSC §44344 (Added by Stats. 1987, Ch. 1252, operative July 1, 1988, amended by Stats. 1993, Ch. 1041 (AB 1060)), HSC §44344.5 (Added by Stats. 1993, Ch. 1037 (AB 956), amended by Stats. 1996, Ch. 602 (AB564)), HSC §44344.7 (Added by Stats. 1993, Ch. 1037 (AB 956), amended by Stats. 1996, Ch. 602 (AB564)).

V. **AUTHORITY TO REQUIRE RECORDKEEPING, MAKE INSPECTIONS, AND CONDUCT TESTS**

State law provides authority to incorporate recordkeeping requirements into operating permits, provides authority to inspect sources and any records required to determine a source's compliance status, and provides authority to conduct tests as cited in the enclosed November 12, 1993 letter, pages 6-7, "Monitoring, Recordkeeping, and Reporting," page 7, "Inspection/Entry Authority," and as additionally specified below.

Additional Federal Authority: Recordkeeping: FCAA §114, 129(c), 42 U.S.C. §7414, 7429(c); 40 CFR §60.39b. Tests: FCAA §§ 129(c), 504, 42 U.S.C. 7429(c), 7661c; 40 CFR §§60.38b, 70.6(c)(1).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: Recordkeeping: HSC §40701 (Stats. 1975, Ch. 957, amended by Stats. 1990, Ch. 1034 (AB 4059)). Inspections: HSC §42707 (Stats. 1975, Ch. 957), HSC §44366 (Added by Stats. 1987, Ch. 1252, operative July 1, 1988). Tests: HSC §39607 (Stats. 1975, Ch. 957, last amended by Stats. 1995, Ch. 713 (AB 1027)), HSC §41511 (Stats. 1975, Ch. 957, amended by Stats. 1976, Ch. 1063, effective Sept. 21, 1976), HSC §42303 (Stats. 1975, Ch. 957), HSC §44340 (Added by Stats. 1987, Ch. 1252, operative July 1, 1988), HSC §44342 (Added by Stats. 1987, Ch. 1252, operative July 1, 1988).

February 3, 1997

VI. AUTHORITY TO REQUIRE USE OF MONITORS AND REQUIRE EMISSION REPORTS

State law provides authority to incorporate monitoring and reporting requirements into operating permits consistent with 40 CFR §70.6 as cited in the enclosed November 12, 1993 letter, pages 6-7, "Monitoring, Recordkeeping, and Reporting" and as additionally specified below.

Additional Federal Authority: Monitors: FCAA 129(b), 129(c), 42 U.S.C. 7429(b), 7429(c); 40 CFR §§60.38b, 70.6(c)(2). Reports: 40 CFR §§60.39b, 70.6(c)(4).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: Monitors: HSC §39659 (Added by Stats. 1992, Ch. 1161 (AB 2728)), HSC §42315 (Added by Stats. 1986, Ch. 1134, amended by Gov. Reorg. Plan No. 1 of 1991, §140, effective July 17, 1991). Reports: HSC §42303 (Stats. 1975, Ch. 957), HSC §44344.5 (Added by Stats. 1993, Ch. 1037 (AB 956), amended by Stats. 1996, Ch. 602 (AB564)), HSC §44344.7 (Added by Stats. 1993, Ch. 1037 (AB 956), amended by Stats. 1996, Ch. 602 (AB564)).

VII. AUTHORITY TO MAKE EMISSION DATA AVAILABLE TO THE PUBLIC

State law provides authority to make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report, except for information entitled to confidential treatment as cited in the enclosed November 12, 1993 letter, pages 10-11, "Public Access to Permit Information" and as additionally specified below. State law also provides that the contents of an operating permit, except for trade secret information which is not emission data, shall not be entitled to confidential treatment as cited in the enclosed November 12, 1993, pages 10-11, "Public Access to Permit Information" and as additionally specified below.

Additional Federal Authority: FCAA §129(c), 42 U.S.C. 7429(c).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §42301.6 (Added by Stats. 1988, Ch. 1589, last amended by Stats. 1991, Ch. 1183 (AB 928)), HSC §42337 (Added by Stats. 1991, Ch. 1209 (AB 158)); Title 17, California Code of Regulations, section 93300.5 (operative Sept. 21, 1996).

Ms. Felicia Marcus and Mr. David B. Howekamp

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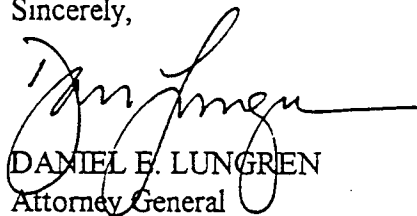
VIII. RETENTION OF DELEGATED ENFORCEMENT AUTHORITY

State law provides authority for the State to retain enforcement authority even when such authority is delegated to the districts as cited in the enclosed November 12, 1993 letter on page 11, "Enforcement of Permits Program Requirements." Additional authorities for retention of delegated enforcement authority are specified below.

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §39002 (Stats. 1975, Ch. 957), HSC §39003 (Stats. 1975, Ch. 957), HSC §39500 (Stats. 1975, Ch. 957), §39600 (Stats. 1975, Ch. 957), HSC §39602 (Stats. 1975, Ch. 957, last amended by Stats. 1979, Ch. 810, effective Sept. 19, 1979), HSC §39605 (Stats. 1975, Ch. 957, last amended by Stats. 1981, Ch. 700, effective Sept. 23, 1981), HSC §41500 (Stats. 1975, Ch. 957, last amended by Stats. 1992, Ch. 945 (AB 2783)), HSC §42362 (Stats. 1975, Ch. 957), HSC §44365 (Added by Stats. 1987, Ch. 1252, operative July 1, 1988).

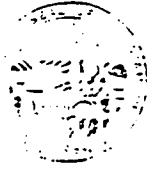
I trust that these provisions of law and this certification are responsive to your request. If you need additional information or if I can be of further service, please feel free to contact me in care of Senior Assistant Attorney General Charles W. Getz, IV, at (415) 356-6348.

Sincerely,


DANIEL E. LUNGREN
Attorney General

Enclosure

cc: Charles W. Getz, IV
Kathryn Tobias



State of California
Office of the Attorney General
Daniel E. Lungren
Attorney General

November 12, 1993

The Honorable Carol Browner
Administrator
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

RE: California's Authority to Implement Title V
(Operating Permits) of the Clean Air Act

Dear Ms. Browner:

Pursuant to my authority as Attorney General and in accordance with Clean Air Act §502(d) (hereinafter, "CAA"), as amended, (42 U.S.C. §7401, et seq.), and 40 CFR §70.4(b)(3), it is my opinion that the laws of the State of California provide adequate authority to carry out all aspects of the program submitted by the Air Resources Board to the Environmental Protection Agency (EPA) for approval to administer and enforce the operating permits program under Title V of the CAA. The specific authorities provided, which are contained in statutes, regulations, or caselaw, and which shall be fully effective by the time the program is approved, include those identified below. All statutory references are to the California Health and Safety Code (HSC) unless otherwise indicated.

I. AUTHORITY TO ISSUE PERMITS

State law provides authority for California's 34 air pollution control and air quality management districts (hereinafter, "districts") to issue operating permits to all air pollution sources within the State that are required to have permits pursuant to CAA §502(a) and 40 CFR §70.3, and to incorporate into permits and assure compliance with each applicable requirement of the CAA and the requirements of 40 CFR part 70. State law also provides authority to issue operating permits for solid waste incineration units combusting municipal waste pursuant to ~~CAA §129(e) that assure compliance with all~~

applicable requirements of the CAA and the requirements of 40 CFR part 70.

Federal Authority: CAA §§129(e), 502(a)-(b), 503, 504(a), 42 U.S.C. §§7429(e), §§7661a(a)-(b), 7661b, 7661c(a); 40 CFR §§70.4(b)(3)(i), 70.4(b)(3)(iv), 70.4(b)(3)(v), 70.5(a), 70.6, 70.7(b).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §§39053.3 and 39053.5 (enacted by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994); HSC §42300 (enacted by Stats. 1975, Ch. 957, last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994); HSC §42301 (enacted by Stats. 1975, Ch. 957, last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994); HSC §42301.10 (enacted by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994); HSC §40752 (enacted by Stats. 1975, Ch. 957, last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994). For the South Coast Air Quality Management District, additional authority is found in HSC §40506 (enacted by Stats. 1976, Ch. 324, amended by Stats. 1987, Ch. 1301, Sec. 19). Additional authority of the districts to incorporate the applicable requirements of CAA §112, regarding hazardous air pollutants, into Title V permits is found in HSC §§39650-39675 (enacted by Stats. 1983, Ch. 1047, Sec. 1, as amended by Stats. 1992, Ch. 1161, Sec. 3, effective January 1, 1993), HSC §40001(b) (Stats. 1975, Ch. 957), HSC §41700 (Stats. 1975, Ch. 957), and Western Oil & Gas Ass'n. v. Monterey Bay Unified APCD (1989) 49 Cal.3d 408; 261 Cal.Rptr. 384.

Remarks of the Attorney General: While California has for many years had an operating permit program implemented by the districts, AB 2288 was enacted to authorize the districts to comply fully with all of the Title V requirements, excluding equipment used in agricultural operations. As §1 of AB 2288 indicates,

"it is the intent of the Legislature that this act provide authority in state law for the implementation of the operating permit program required by Title V of the Federal Clean Air Act (42 U.S.C. 7661 et seq.) without affecting the issuance of permits as required by any other provision of state law."

With regard to toxic air contaminants, recent legislation provides that

"it is the intent of the Legislature that the state board and the districts implement a program to regulate toxic air contaminants that will enable the state to receive approval to implement and enforce emission

standards and other requirements for air pollutants subject to §112 of the federal act (42 U.S.C. Sec. 7412). The state board and the districts may establish a program that is consistent with the requirements for state programs set forth in subsection (1) of section 112 and section 502 of the federal act (42 U.S.C. Secs. 7412(1) and 7661a)," HSC §39656.

The authority cited above applies to solid waste incineration units combusting municipal waste (as opposed to hazardous waste) in the same manner as to other Title V sources.

II. AUTHORITY TO ISSUE PERMITS TO NONCOMPLYING SOURCES

State law provides authority for the districts to issue permits to Title V sources that are not in compliance with applicable requirements, and to include compliance schedules in permits to bring sources into compliance, through the State's variance process.

Federal Authority: CAA §§502(b)(5)(A), 504(a), 42 U.S.C. §§7661a(b)(5)(A), 7661c(a); 40 CFR §§70.5(c)(8), 70.6(c)(3).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §42350 (enacted by Stats. 1975, Ch. 957, last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994) and HSC §42301(d) (added by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994).

Remarks of the Attorney General: While some districts allow sources with preconstruction permits to obtain variances from the requirement to obtain a permit to operate, AB 2288 prohibits Title V sources from obtaining such variances and further amends state law to allow a district's air pollution control officer to grant a Title V permit to a source operator who presents a valid variance and to incorporate the terms and conditions of the variance, imposed by the hearing board pursuant to HSC §§42353, 42354, and 42358, into the Title V permit as a compliance schedule. Previously, districts could not issue operating permits to noncomplying sources (see HSC §42301(b)).

Even though state law requires a noncomplying source to have a variance in order to obtain a permit to operate, any variance obtained by a source does not affect or modify permit terms or conditions unless and until the Title V permit is amended to incorporate the terms of the variance, nor does it preclude federal enforcement of permit terms and conditions. Variances may be granted by a hearing board only if the six findings specified in HSC §42352 can be made, and protect the source only from state enforcement actions. The variance process is not part

of the Title V permitting process and does not affect federal enforcement for violations of requirements set forth in a Title V permit. Should the District follow Title V permitting procedures to modify or issue a Title V operating permit which incorporates a compliance schedule from a variance, the compliance schedule would then be part of the federally enforceable permit terms and conditions.

III. PERMIT BOARD MEMBERSHIP AND CONFLICTS OF INTEREST

State law provides that no state or local government agency which issues or decides appeals regarding operating permits shall be constituted of less than a majority of members who represent the public interest and who do not derive a significant portion of their income from persons subject to operating permits. State law also provides that any potential conflicts of interest by members and employees of such state or local government agencies be adequately disclosed. State law also provides that no permit for a solid waste incinerator unit may be issued by an agency, instrumentality or person that is also responsible, in whole or part, for the design and construction or operation of the unit.

Federal Authority: CAA §§128(a)(1)-(2), 129(e), 42 U.S.C. §§7428(a)(1)-(2), 7429(e); 40 CFR §70.4(b)(3)(iv).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: Government Code §§87100, 87103, 87300, and 87302 (added by initiative measure adopted June 4, 1974; operative January 7, 1975, and last amended by Stats. 1985, Ch. 611, Sec. 1.5 [Gov't Code §87103] and Stats. 1992, Ch. 214 [Gov't Code §87302]). See also, definitions in Gov't Code §§82019, 82030, 82041, 82048, and 82049 and regulations set forth in 2 Cal. Code of Regs. §18700 et seq.

Remarks of the Attorney General: The Political Reform Act of 1974 was a sweeping initiative measure intended to assure, among other purposes, that state and local government officials serve the needs and respond to the wishes of all citizens equally, without regard to wealth; that public officials perform their duties in an impartial manner, free from bias caused by their own financial interests or those of persons who have supported them; and that assets and income of public officials which may be materially affected by their official actions are disclosed and such officials disqualified from acting in appropriate circumstances to avoid conflicts of interest. The Political Reform Act is vigorously enforced by the Fair Political Practices Commission.

Compliance with the Political Reform Act assures that the public officials who issue permits and review permit decisions

serve the public interest. District policy boards, which adopt the rules governing permits, are made up of elected officials (i.e., members of the County Board of Supervisors and City Councils) or a combination of elected officials and appointees (see HSC §40420 pertaining to the South Coast AQMD), and these boards appoint an air pollution control officer who issues operating permits in the first instance. The membership of district hearing boards, which are authorized to hear permit appeal consists of individuals with varied backgrounds, as provided in HSC §40801 (or HSC §40501.1 for the South Coast AQMD). Finally, the membership of the Air Resources Board, which does not issue permits or hear permit appeals but which has general oversight authority over the districts and their permit programs pursuant to HSC §§39002, 41500-41505, and 42362, is comprised of nine members with specified qualifications appointed by the Governor with the consent of the Senate "on the basis of their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with air pollution problems" (HSC §§39510 and 39511).

IV. PERMIT FEES

State law provides authority for the districts to assess and collect annual permit fees (or the equivalent amount of fees over some other period of time) from sources within the State which are subject to the requirements of Title V of the CAA and 40 CFR part 70, in an amount sufficient to cover all reasonable direct and indirect costs required to develop, administer, and enforce the State's Title V program.

Federal Authority: CAA §502(b)(3)(A), 42 U.S.C. §7661a(b)(3)(A); 40 CFR §§70.9(a)-(d).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §42311 (Stats. 1975, Ch. 957; amended by Stats. 1988, Ch. 1568, Sec. 29); HSC §§40506(b) (Stats. 1976, Ch. 324; amended by Stats. 1987, Ch. 1301, Sec. 19) and 40510 (enacted by Stats. 1976, Ch. 324; amended by Stats. 1988, Ch. 1568, Sec. 8.2) for the South Coast AQMD; HSC §41080 (Stats. 1988, Ch. 1541, Sec. 3) for the Sacramento Metropolitan AQMD; and San Diego Gas and Electric Co. v. San Diego County APCD (1988) 203 Cal.App.3d 1132.

V. PERMIT TERM

State law provides authority to issue operating permits for a fixed term not to exceed 5 years. State law provides a fixed term ~~not to exceed 12 years for solid waste incineration units~~ ~~combusting municipal waste pursuant to CAA §129(e) and a review~~

~~of such permits at least every 5 years.~~ State law provides authority to issue permits with acid rain provisions for a fixed term of 5 years.

Federal Authority: CAA §§129(e), 408(a), 502(b)(5)(B), 42 U.S.C. §§7429(e), 7651g(a), 7661a(b)(5)(B); 40 CFR §§70.4(b)(3)(iii)-(iv), 70.6(a)(2), 72.70(b), 72.72(a).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §42300 (Stats. 1975 Ch. 957; amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994) and HSC §40507 (Stats. 1976, Ch. 324; amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994) for the South Coast AQMD. Annual review of all permits provided by HSC §42301(e), formerly §42301(c) (Stats. 1975, Ch. 957, as amended by Stats. 1988, Ch. 1568, Sec. 27 and last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994).

Remarks of the Attorney General: HSC §42300(b) authorizes the districts to adopt regulations which provide that "a permit shall be valid only for a specified period." Therefore, the districts will be able to issue operating permits for a fixed term not to exceed five years, or, as the case may be for solid waste incineration units combusting municipal waste, for a fixed term not to exceed 12 years. While the statute somewhat contradictorily requires annual extension of the expiration date upon completion of the annual review to assure that the permit is up to date and upon payment of fees (unless action to revoke the permit has become final), §42300(c) specifies that this annual extension is for purposes of state law only and does not affect the renewal of the permit for Title V purposes. This point is further clarified by HSC §42301.11(d), added by AB 2288, which indicates the legislative intent that the districts encourage the issuance of Title V permits for five-year terms.

VI. MONITORING, RECORDKEEPING, AND REPORTING

State law provides authority to incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into operating permits consistent with 40 CFR §70.6. State law provides authority to incorporate into the permit periodic monitoring or testing requirements where the existing State implementation plan or other applicable requirement does not contain such a requirement, consistent with 40 CFR §70.6(a)(3)(i)(B).

Federal Authority: CAA §§502(b)(2), 503(b)(2), 504(a)-(c), 42 U.S.C. §§7661a(b)(2), 7661c(a)-(c); 40 CFR §§70.4(b)(3)(ii), 70.6(a)(3), 70.6(c)(1), 70.6(c)(5).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §41511 (Stats. 1975, Ch. 957, amended by Stats. 1976, Ch. 1063), HSC §42301 (enacted by Stats. 1975, Ch. 957; last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), HSC §42301.10 (enacted by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), HSC §42303 (Stats. 1975, Ch. 957), HSC §§44300 et seq. regarding toxic air contaminants (Stats. 1987, Ch. 1252, Sec. 1), and HSC §§42700-42708 (Stats. 1975, Ch. 957).

VII. INSPECTION/ENTRY AUTHORITY

State law provides authority to incorporate into permits inspection and entry requirements consistent with 40 CFR §70.6(c)(2).

Federal Authority: CAA §504(c), 42 U.S.C. §7661c(c); 40 CFR §§70.6(c)(2).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §41510 (Stats. 1975, Ch. 957), HSC §42301 (Stats. 1975, Ch. 957, last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994 and HSC §42301.10 (Added by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994).

VIII. INCORPORATION OF ALL APPLICABLE REQUIREMENTS INTO PERMIT

State law provides authority to incorporate into an operating permit, upon issuance or renewal, all applicable requirements as defined in 40 CFR §70.2, and as provided generally in the CAA and 40 CFR part 70.

Federal Authority: CAA §§502(b)(5)(C), 504(a), 42 U.S.C. §§7661a(b)(5)(C), 7661c(a); 40 CFR §§70.4(b)(3)(v), 70.6(a).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §§42301(b) and (e) (Stats. 1975, Ch. 957; last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), and HSC 42301.10 (added by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994)

IX. PERMIT REOPENING

State law provides authority to revise permits with remaining terms of 3 or more years to incorporate new applicable requirements which become effective after issuance of the permit. State law provides authority to reopen permits when additional acid rain requirements become applicable, regardless of the remaining permit term. State law provides authority to

terminate, modify, or revoke permits for cause at any time during the permit term consistent with 40 CFR §§70.7(f) and (g).

Federal Authority: CAA §§502(b)(5)(D), 502(b)(9), 42 U.S.C. §§661a(b)(5)(D), 7661a(b)(9); 40 CFR §§70.4(b)(3)(vi), 70.6(a)(6)(iii), 70.7(f)-(g).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §42301(e) [formerly 42301(c)] (enacted by Stats. 1975, Ch. 957; last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), HSC §42301.10 (added by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), and HSC §§42304, and 42307, 42309 (enacted by Stats. 1975, Ch. 957).

Remarks of the Attorney General: Section 42301(e) requires permits to be reviewed annually to ensure that the permit conditions continue to ensure compliance with, and the enforceability of, all district rules and regulations. The permit must be revised to specify appropriate permit conditions during this annual review. Since each district will have a Title V operating permit rule that will require the inclusion of and compliance with all applicable requirements, the permit may be updated annually to reflect new applicable requirements. Further, HSC §42301.10 authorizes the district to include all conditions necessary to ensure compliance with all applicable requirements.

In addition, permits may be terminated or revoked by the district hearing board upon application by the air pollution control officer if the permittee "is violating any applicable order, rule, or regulation of the district or any applicable provision of this division [26 of the HSC]", §42307. Since district Title V operating permit rules will provide that violation of any permit condition is violation of the rule, the hearing board would be able to revoke a permit for cause, as required.

Finally, with regard to acid rain requirements, operating permits are issued to subject sources by the districts (although construction permits are issued by the State Energy Resources Conservation and Development Commission ("Energy Commission" or "CEC"); see paragraph XXI, *infra*). The permits can be amended as described, although any provisions which conflict with CEC siting provisions would require coordination with the CEC, as explained in paragraph XXI, below.

X. OPERATIONAL FLEXIBILITY

State law provides authority to issue permits which allow

changes within a permitted facility without requiring a permit revision if the changes are not modifications under any provision of Title I of the CAA, and the changes do not exceed the emissions allowable under the permit, provided that the source provides at least 7 days' [or fewer days if the State requires less time in emergencies] written notice to the State and to the EPA. State law provides authority for permits to include terms and conditions for reasonably anticipated, alternative operating scenarios in permits.

Federal Authority: CAA §502(b)(10), 42 U.S.C. §7661a(b)(10); 40 CFR §§70.4(b)(12), 70.6(a)(9).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §§42300 and 42301 (Stats. 1975, Ch. 957; amended by AB 2288, Stats. 1993 Ch. 1166, effective January 1, 1994) and HSC §42301.12 (a)(11) (added by AB 2288, above).

Remarks of the Attorney General: The broad language of the legislation authorizing district permit programs does not pose an impediment to a district rule allowing the inclusion in a permit of alternative operating scenarios, as long as such scenarios comply with the statutory provisions and all applicable requirements. Similarly, the language is broad enough to allow changes within a facility without a permit revision as long as there is compliance with the "emissions allowable under the permit" (i.e., permit terms that establish an emissions limit pursuant to an "applicable requirement" of the Clean Air Act).

XI. PERMIT MODIFICATIONS

State law provides authority to process permit modifications in a manner that conforms to, or is substantially equivalent to, the procedures set forth under 40 CFR §70.7(e).

Federal Authority: CAA §502(b)(6), 42 U.S.C. §7661a(b)(6); 40 CFR §§70.4(b)(13), 70.7(e).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §42300 (enacted by Stats. 1975, Ch. 957), HSC §40702 (Stats. 1975, Ch. 957), and HSC 42320-42323 (added by Stats. 1992, Ch. 1096, Sec. 3, effective September 29, 1992).

Remarks of the Attorney General: Nothing in State law prohibits a district from adopting appropriate permit modification procedures into district rules and regulations.

XII. PUBLIC PARTICIPATION

State law provides authority for procedures to allow public participation in district actions to issue or deny an operating permit, to modify a permit [except as provided in 40 CFR §§70.7(e)(2) and (3)], or to renew a permit. Public participation under State law includes the opportunity for public comment and the opportunity for a hearing on draft permits in accordance with the requirements of the CAA and 40 CFR §70.7(h). State law provides for affected States to review permit applications in accordance with the CAA and 40 CFR §70.8(b).

Federal Authority: CAA §§502(b)(6), 505(a)(2), 42 U.S.C. §§661a(b)(6), 7661d(a)(2); 40 CFR §§70.7(h), 70.8(b).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §40702 (Stats. 1975, Ch. 957), HSC §42300 (Stats. 1975, Ch. 957), HSC §42301 (Stats. 1975, Ch. 957; last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994); and HSC §§42320-42323 (Stats. 1992, Ch. 1906, Sec. 3).

Remarks of the Attorney General: The districts are authorized by state law to incorporate appropriate notice and public review procedures into their permit programs. As a matter of practice, the districts currently allow public participation in the more significant permit actions. The process can be expanded as necessary to comply with federal law by amending district rules and regulations. Similarly, the district rules may provide for permit review and comment by effected states.

XIII. PUBLIC ACCESS TO PERMIT INFORMATION

State law provides authority to make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report, except for information entitled to confidential treatment. State law provides that the contents of an operating permit, except for trade secret information which is not emission data, shall not be entitled to confidential treatment.

Federal Authority: CAA §§114(c), 502(b)(8), 503(e), 42 U.S.C. §§7414(c), 7661a(b)(8), 7661b(e); 40 CFR §70.4(b)(3)(viii).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: Government Code §6250 et seq. (California Public Records Act, enacted by Stats. 1968, Ch. 39). See especially Gov't Code §6252 (added by Stats. 1968, Ch. 1473, Sec. 39; last amended by Stats. 1991, Ch. 181, Sec. 1); Gov't Code §6253 (added by Stats. 1968, Ch. 1473, Sec. 39; last amended by Stats. 1988, Ch. 409, Sec. 1); Gov't Code §6254 (added by

Stats. 1981, Ch. 684, Sec. 1.5; last amended by Stats. 1992, Ch. 1128, Sec. 2, operative July 1, 1993); Gov't Code §6254.7 (Added by Stats. 1970, Ch. 1295, Sec. 2; last amended by Stats. 1992, Ch. 612, Sec. 1, effective January 1, 1993); and HSC §44346 (enacted by Stats. 1987, Ch. 1252, Sec. 1). See ARB regulations in Title 17, Cal. Code Regs. §§91000-91022 and Title 17, Cal. Code Regs. §§93321, 93322, and 93339.

XIV. ENFORCEMENT OF PERMITS PROGRAM REQUIREMENTS

State law provides civil and criminal enforcement authority consistent with 40 CFR §70.11, including authority to recover penalties and fines in a maximum amount of not less than \$10,000 per day per violation.

Federal Authority: CAA §502(b)(5)(E), 42 U.S.C. §7661a(b)(5)(E); 40 CFR §§70.4(b)(3)(vii), 70.11.

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §40752 (Stats. 1975, Ch. 957 last amended by AB 2288, Stats. 1993, Ch. 1166, effective Jan. 1, 1994); HSC §§39674 and 38675 (Stats. 1983, Ch. 1047, Sec. 1; amended by Stats. 1992, Ch. 1161, Sec. 12, effective January 1, 1993); HSC §42303 (Stats. 1975, Ch. 957); HSC §42303.5 (Stats. 1976, Ch. 1063); HSC §42304 (Stats. 1975, Ch. 957); HSC §§42300-42339 (Stats. 1991, Ch. 1209, Sec. 3); HSC §§42300-42339 (Stats. 1991, Ch. 1209, Sec. 3); HSC §42450-42454 (Added by Stats. 1975, Ch. 957, amended by Stats. 1988, Ch. 183, Sec. 1; HSC §40506.1 (Stats. 1992, Ch. 371, Sec. 8, effective Jan. 1, 1993); HSC §41510 (Stats. 1975, Ch. 957), HSC §41511 (Stats. 1976, Ch. 1063).

HSC §41700 (Stats. 1975, Ch. 957), HSC §41701 (Stats. 1975, Ch. 957), HSC §42400 (Stats. 1975, Ch. 957, last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), HSC §42400.1 (Stats. 1986, Ch. 1453), HSC §42400.2 (Stats. 1986, Ch. 1453), HSC §42400.3 (Stats. 1992, Ch. 1252, last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), HSC §42400.4 (Added by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), HSC §42401 (Stats. 1975, Ch. 957), HSC §42402 (Stats. 1975, Ch. 957, last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), HSC §42402.1 (Stats. 1986, Ch. 1453), HSC §42402.2 (Stats. 1986, Ch. 1453), HSC §42402.3 (Stats. 1992, Ch. 1252, last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), HSC §42402.5 (Stats. 1988, Ch. 1568), HSC §42403 (Stats. 1975, Ch. 957), HSC §42404 (Stats. 1975, Ch. 957), HSC §42404.5 (Stats. 1987, Ch. 260), Code of Civil Procedure §526 (enacted in 1872 based on the Practice Act §112, Stats. 1851, Ch. 5).

Remarks of the Attorney General: AB 2288 increased civil and criminal penalties from one thousand dollars (\$1,000) to ten thousand dollars (\$10,000) for those sources subject to the requirements of Title V of the federal Clean Air Act. Since the adoption of these amendments, a question of interpretation has arisen as to whether the newly added section 42400.4 would limit the extent to which penalties can be recovered. In the 1994 legislative session, it is expected that the section will be amended to eliminate the potential for questions of interpretation.

XV. AUTHORITY TO ENFORCE LAPSED PERMITS

State law provides authority to enforce the terms and conditions of a permit which has expired, if the source has filed a timely and complete application for renewal, so as to assure compliance with all applicable requirements.

Federal Authority: CAA §502(b)(5)(A), 42 U.S.C. §7661a(b)(5)(A); 40 CFR §70.4(b)(10).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §40702 (Stats. 1975, Ch. 857), HSC §42300(a) (Stats. 1975, Ch. 957), HSC §42301 (Stats. 1975, Ch. 957; last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), HSC §42301.10 (added by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994) and HSC §42322 (added by Stats. 1992, Ch. 1096, Sec. 3, effective Sept. 29, 1992).

Remarks of the Attorney General: State law does not impede the permit program adopted by the districts from providing for the continued applicability of permit terms and conditions pending permit renewal. Such permit conditions would be enforced pursuant to the penalty provisions cited in paragraph XIV above. This conclusion is further supported by the uncodified intent language in §1 of AB 2288 that "[i]t is the intent of the Legislature that this act provide authority in state law for the implementation of the operating permit program required by Title V of the federal Clean Air Act...."

XVI. EPA PERMIT VETO

State law provides that an operating permit will not issue if the Administrator of EPA (or her designee) objects in a timely manner to its issuance pursuant to 40 CFR §70.8(c) and (d).

Federal Authority: CAA §§502(b)(5)(F), 505(b), 42 U.S.C. §§661a(b)(5)(F), 7661d(b); 40 CFR §§70.4(b)(3)(ix), 70.8(c)-(d).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §42301(c) (added by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994).

XVII. FINAL AGENCY ACTION ON PERMITS

State law provides that, solely for the purposes of obtaining judicial review in State court for failure of the air pollution control districts to take final action, "final permit action" shall include the failure of the districts to take final action on an application for a permit, permit renewal, or permit revision within the time required by Title V and the EPA regulations, as incorporated into district permit rules. [Note: If the State program allows sources to make changes using the minor permit modification process, the permitting authority's failure to take final action within 90 days of receipt of an application requesting a minor permit modification (or 180 days for minor modifications subject to group processing requirements) is subject to judicial review in State court.]

Federal Authority: CAA §502(b)(7), 42 U.S.C. §7661a(b)(7); 40 CFR §70.4(b)(3)(xi).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §40702 (Stats. 1975, Ch. 957), HSC §§42300 and 42301 (Stats. 1975, Ch. 957; last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), HSC §42301.10 (added by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), HSC §42322(a)(3) and (a)(7) (Enacted by Stats. 1992, Ch. 1096, Sec. 3), and Code of Civil Procedures §1085 (Enacted in 1872, based on (Stats. 1851, Ch. 5, Sec. 467) and last amended by Stats. 1951, Ch. 1737, Sec. 148).

Remarks of the Attorney General: Section 1085 of the Code of Civil Procedure can be used to compel performance of a mandatory duty by a public officer or to command the exercise of discretion. Thus, if the district rules require action on a permit application within a specified time period, traditional mandamus will lie to compel performance. Further, given the intent of the Legislature expressed in AB 2288 that state law provides authority for compliance with Title V, we believe the districts are authorized to include the required provision regarding "final action" in district rules and regulations. Finally, the Legislature has recently expressed its intent in the Air Pollution Permit Streamlining Act of 1992 that permits be acted upon expeditiously, that a permit action schedule with specific deadlines must be established, and that appeals of nonaction on a permit within the specified deadlines may be taken to the district policy board, in districts with a population of 250,000 or more, which is where most of the Title V sources are

located. The smaller districts are not prohibited from adopting similar provisions into their permit programs.

XVIII. DEFAULT PERMIT ISSUANCE

State law does not authorize the issuance, modification, or renewal of any permit based on the passage of a specified time period when the permit agency has failed to take action on the application, and does not include any other similar provision providing for default issuance of a permit unless EPA has specifically waived the right of review for itself and affected States.

Federal Authority: CAA §505(a)-(e), 42 U.S.C. §7661d(a)-(e); 40 CFR §70.8(e)

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: No state law authorizes default operating permit issuance. While a writ of mandate could be obtained to require the air pollution control officer to act on the permit application, the writ could not compel performance in a particular manner, such as default issuance. Finally, Title V sets forth procedures for review by any person, EPA, and any affected state prior to issuance of a permit to operate, which would preclude default issuance.

XIX. OPPORTUNITY FOR JUDICIAL REVIEW OF PERMIT ACTIONS

State law provides an opportunity for judicial review in State court of any final permit action by the applicant, any person who participated in the public-participation process provided pursuant to the CAA and 40 CFR §70.7(h), or any other person who could obtain judicial review of such actions under State laws, including the air pollution control officer. Any provisions of State law which limit access to judicial review do not exceed the corresponding limits on judicial review imposed by the standing requirements of Article III of the United States Constitution.

Federal Authority: CAA §502(b)(6), 42 U.S.C. §7661a(b)(6); 40 CFR §70.4(b)(3)(x).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §42302 (enacted by Stats. 1975, Ch. 957), HSC §42302.1 (added by Stats. 1988, Ch. 1568, Sec. 28.5), HSC §42308 (enacted by Stats. 1975, Ch. 957), HSC §§40864 and 40865 (added by Stats. 1975, Ch. 957; amended by Stats. 1976, Ch. 1113). See also, Code of Civil Procedure §1094.5 (enacted by Stats. 1945, Ch. 868, Sec. 1; last amended by Stats. 1992, Ch. 72, Sec. 1, effective May 28, 1992).

Remarks of the Attorney General: Appeal to the district hearing board of a permit decision made by the air pollution control officer appears to be an administrative remedy which must be exhausted prior to seeking judicial review. Both the permit applicant and "any aggrieved person who, in person or through a representative, appeared, submitted written testimony, or otherwise participated in the action before the district" may request a hearing on the issuance or denial of the permit, or by implication, of the terms and conditions of the permit. The hearing board must hold a hearing on the matter within 30 days, and the decision of the hearing board is subject to judicial review by writ of administrative mandamus in accordance with §1094.5 of the Code of Civil Procedure. The control officer, as the party defending the permit action before the hearing board, may also seek judicial review.

XX. LIMITATIONS ON JUDICIAL REVIEW

State law provides that the opportunity for judicial review of a final permit action in State court, as described in paragraph XIX of this opinion, shall be the exclusive means for obtaining judicial review of the terms and conditions of permits. State law provides that petitions for judicial review must be filed no later than 30 days after the final permit action (or 35 days, under specified circumstances). State law further provides that if the final permit action being challenged is the district's failure to take final action, a petition for judicial review may be filed at any time before the control officer denies the permit or issues the final permit.

Federal Authority: CAA §502(b)(6), 42 U.S.C. §7661a(b)(6); 40 CFR §70.4(b)(3)(xii).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §42302 (Stats. 1975, Ch. 957), HSC §42302.1 (Stats. 1988, Ch. 1568, Sec 28.5), HSC §§40864(a) and (d) (Stats. 1975, Ch. 957; amended by Stats. 1976, Ch. 1113), Code of Civil Procedure §1094.5 (Stats. 1945, Ch. 868, Sec. 1; last amended by Stats. 1992, Ch. 72, Sec. 1), and Code of Civil Procedure §1085 (enacted 1872 based on Stats. 1851, Ch. 5, Sec. 467; last amended by Stats. 1951, Ch. 1737, Sec. 148) to compel performance of a mandatory duty by a public officer.

Remarks of the Attorney General: As previously stated, appeal of the control officer's decision on a permit to the hearing board appears to be an exhaustion requirement prior to seeking judicial review pursuant to CCP §1094.5. However, it should be noted that in its role of reviewing permit decisions initially made by the APCO, the hearing board is confined to examining whether the permit was properly issued or denied, i.e., whether the control

officer correctly applied the law and district rules to the facts presented by the particular source. We believe that this review function does not entail the exercise of independent judgment, as in a variance or abatement order proceeding, but rather involves a determination of whether the control officer acted reasonably and in accordance with the law. Thus, if the control officer has denied a permit due to an objection by the EPA Administrator, we do not believe the hearing board could countermand that decision on equity or other grounds, for the purposes of the federal aspects of the permit, since the statute (HSC §42301(c)) prohibits the issuance of a permit to a Title V source if the Administrator objects in a timely manner. We have addressed this issue here in order to respond to questions by EPA on the role of the hearing board and the scope of its review authority with regard to Title V permit actions.

XXI. COORDINATION WITH ACID RAIN PROGRAM REQUIREMENTS

State law is consistent with, and cannot be used to modify, the Acid Rain Program requirements of 40 CFR part 72.

Federal Authority: CAA §§408(a), 506(b), 42 U.S.C. §§7651g(a), 7661e(b); 40 CFR §§70.4(b)(3)(xiii), 72.70(b), 72.72(a).

Citation of State Laws and Regulations; Date of Enactment or Adoption; Effective Date: HSC §§42300 and 42301 (Enacted by Stats. 1975, Ch. 957; last amended by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994), and HSC §42301.10 (enacted by AB 2288, Stats. 1993, Ch. 1166, effective January 1, 1994).

Remarks of the Attorney General: Power plants that significantly affect air quality will be subject to Title V, and these plants are "affected sources" pursuant to Title IV (Acid Deposition Control) and Title V of the federal Clean Air Act. The CEC is endowed with plenary authority to certify sites for power plant construction (see Public Resources Code §25500 et. seq. and 20 Cal.Code Regs. §1701 et. seq.).

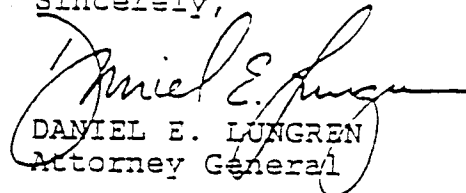
In practice, power plant sitings follow a sequence of events in which the actions of the Energy Commission and the districts are coordinated. The authority to construct issued by the district is forwarded to the CEC and serves as the determination of compliance with applicable air quality standards required by 20 CCR §§1714.9 and 1744.5. The Commission adopts the conditions specified in the authority to construct in its final siting decision. The district then issues the facility a permit to operate. The CEC does not review permits to operate unless their conditions differ from those set forth in the authority to construct. A memorandum of understanding between the CEC and the ARB sets forth a timetable for these actions. The CEC has never

The Honorable Carol Browner
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had occasion to exercise its power to override an air district's permit denial, although the CEC and the districts have negotiated changes in permit conditions. Public Resources Code §25525 expressly provides that "[i]n no event shall the commission make any findings in conflict with applicable federal law or regulations," including Title V requirements.

Thus, the CEC does not have authority to site a power plant that cannot obtain a Title V permit. The Supremacy Clause of Article VI of the federal Constitution and Public Resources Code §§25500 and 25525 prohibit the Commission from making a finding in conflict with federal law; such a conflict would exist were the CEC to certify and site a plant that required a Title V permit and did not possess it (Clean Air Act §502(a)), or if the CEC objected to permit conditions necessary to assure compliance with applicable requirements, as provided in Clean Air Act §504. Therefore, CEC certification cannot shield power plants from having to obtain Title V permits which meet the Acid Rain Program requirements of 40 CFR part 72.

Sincerely,


DANIEL E. LUNGREN
Attorney General

Listing of Applicable District Rules

Listing of Applicable District Rules

The following is a listing of the major district rules that govern permit modifications and control of emissions from municipal waste combustors. A complete list of all applicable rules as well as the rule language for each rule may be obtained by accessing the ARB's District Rule Database (DRDB) via ARB's Internet website (<http://www.arb.ca.gov/html/drdb.htm>). For specific conditions, please refer to the operating permits presented in Attachment B.

San Joaquin Valley Unified Air Pollution Control District

Regulation II - Permits

- Rule 2010 Permits Required
- Rule 2040 Applications
- Rule 2070 Standards for Granting Applications
- Rule 2080 Conditional Approval
- Rule 2092 Standards For Permits To Operate
- Rule 2210 New and Modified Stationary Source Review Rule

Regulation IV - Prohibitions

- Rule 4101 Visible Emissions
- Rule 4102 Nuisance
- Rule 4201 Particulate Matter Concentration
- Rule 4202 Particulate Matter - Emission Rate
- Rule 4301 Fuel Burning Equipment
- Rule 4801 Sulfur Compounds

South Coast Air Quality Management District

Regulation II - Permits

- Rule 203 Permit to Operate

Applicable District Rules - continued

Rule 204 Permit Conditions

Rule 210 Applications

Rule 212 Standards for Approving Permits

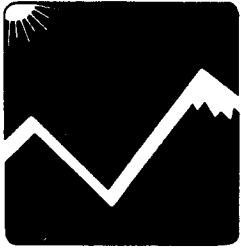
Regulation IV - Prohibitions

Rule 401 Visible Emissions

Rule 402 Nuisance

ATTACHMENT B
DISTRICT OPERATING PERMITS

**San Joaquin Valley Unified Air Pollution Control District
Operating Permit**



San Joaquin Valley
Unified Air Pollution Control District

Permit to Operate

FACILITY ID: N-2073

EXPIRATION DATE: 10/31/2001

LEGAL OWNER OR OPERATOR: OGDEN MARTIN SYSTEMS
MAILING ADDRESS: P.O. BOX 278
CROWS LANDING, CA 95313

FACILITY LOCATION: 4040 FINK RD, CROWS LANDING

FACILITY DESCRIPTION: MUNICIPAL SOLID WASTE COMBUSTOR

The facility's Permit to Operate may include facilitywide requirements as well as requirements that apply to specific permit units.

This Permit to Operate remains valid through the permit expiration date listed above, subject to payment of annual permit fees and compliance with permit conditions and all applicable local, state, and federal regulations. This permit is valid only at the location specified above, and becomes void upon any transfer of ownership or location. Any modification of the equipment or operation, as defined in District Rule 2201, will require prior District approval. This permit shall be posted as prescribed in District Rule 2010.

David L. Crow
Executive Director/APCO

Seyed Sadredin
Director of Permit Services

Northern Region * 4230 Kiernan Ave., Suite 130 * Modesto, CA 95356
(209) 545-7000 * FAX (209) 545-8652

San Joaquin Valley Unified Air Pollution Control District

PERMIT UNIT: N-2073-1-2

EXPIRATION DATE: 10/31/2001

EQUIPMENT DESCRIPTION:

POWER GENERATION SYSTEM: TWO 400 TON/DAY MUNICIPAL SOLID WASTE COMBUSTOR/BOILERS PRODUCING 21.5 MW OF ELECTRICITY. AIR POLLUTION CONTROL EQUIPMENT: DRY LIME SCRUBBERS; FLY ASH BAGHOUSE; THERMAL DE-NOX AMMONIA INJECTION SYSTEM; LIME SLURRY INJECTION

Permit Unit Requirements

1. Should any provision, clause, sentence, paragraph, section or part of these conditions for any reason be judged invalid, such judgment shall not affect or invalidate the remainder of these conditions. [District Rule 1130]
2. Particulate matter emissions from each combustion unit shall not exceed 0.0275 gr/dscf, corrected to 12% CO₂, as measured by EPA Methods 1-5, including the condensable portion in the "back-half". [District NSR Rule]
3. Particulate matter emissions from each combustion unit shall not exceed 0.011 gr/dscf, corrected to 12% CO₂, as measured by EPA Methods 1-5. [District NSR Rule & 40 CFR 60.33b]
4. Particulate matter emissions from each combustion unit shall not exceed 0.008 gr/dscf, corrected to 12% CO₂, for the fraction of particles less than 2 μ in diameter, as measured by Andersen Cascade Impactor, Flow Sensor Multiclone. [District NSR Rule]
5. The NO_x emissions from each combustion unit shall not exceed 200 ppmV, dry, corrected to 12% CO₂ as measured by EPA Methods 1-4 & 7E. Compliance with this limit shall be determined based on an eight rolling hour average. [District NSR Rule & 40 CFR 60.33b]
6. The THC emissions (as CH₄) from each combustion unit shall not exceed 70 ppmV, dry, corrected to 12% CO₂ as measured by EPA Methods 1-4 and 25A. [District NSR Rule]
7. The HF emissions shall not exceed 3 ppmV, dry, corrected to 12% CO₂. [District Rule 4102]
8. Either the SO₂ emissions from each combustion unit shall not exceed 30 ppmV, dry, corrected to 12% CO₂, based on an eight hour rolling average, or the SO₂ removal efficiency shall be at least 80% as measured by EPA Methods 1-4 & 6C. [District NSR Rule]
9. The SO₂ 80 percent removal efficiency shall be based on the measurement of the inlet and outlet SO₂ concentrations, corrected to 12% CO₂. [District NSR Rule]
10. Until 19 December 2000, the CO emissions from each combustion unit shall not exceed 400 ppmV, dry, corrected to 12% CO₂ as measured by EPA Methods 1-4 & 10. Compliance with this limit shall be determined based on an eight hour rolling average. [District NSR Rule]

Permit unit requirements continue on next page

These terms and conditions are part of the facilitywide Permit to Operate.

Permit unit requirements continued:

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11. After 19 December 2000, the CO emissions from each combustion unit shall not exceed 100 ppmV, dry, corrected to 12% CO₂ as measured by EPA Methods 1-4 & 10. Compliance with this limit shall be determined based on a four hour block arithmetic average as defined in 40 CFR 60.51b. [40 CFR 60.34b]
12. The cadmium emissions from each combustion unit shall not exceed 0.040 mg/dscm (18 gr/million dscf), corrected to 12% CO₂, as measured by EPA Methods 1, 3, and 29. [40 CFR 60.33b]
13. The lead emissions from each combustion unit shall not exceed 0.44 mg/dscm (200 gr/million dscf), corrected to 12% CO₂, as measured by EPA Methods 1, 3, and 29. [40 CFR 60.33b]
14. After 19 December 2000, the mercury emissions from each combustion unit shall not exceed 0.080 mg/dscm (35 gr/million dscf), corrected to 12% CO₂, or the mercury removal efficiency shall be at least 85% by weight, whichever is less stringent, as measured by EPA Methods 1, 3, and 29. [40 CFR 60.33b]
15. The SO₂ emissions from each combustion unit shall not exceed 29 ppmV, dry, corrected to 12% CO₂, or the SO₂ removal efficiency shall be at least 75% (by weight or volume), whichever is less stringent as measured by EPA Methods 1-4 & 6C. Compliance with this limit shall be determined based on a 24-hour daily geometric mean. EPA method 19 shall be used to calculate the daily geometric average sulfur dioxide emission concentration and removal efficiency. [40 CFR 60.33b]
16. The Hydrogen Chloride (HCl) emissions from each combustion unit shall not exceed 29 ppmV, corrected to 12% CO₂, or the HCl removal efficiency shall be at least 95% (by weight or volume), whichever is less stringent, as measured by EPA Method 26. [40 CFR 60.33b]
17. The Dioxin/Furan emissions from each combustion unit shall not exceed 30 ng/dscm (total mass), corrected to 12% CO₂, as measured by EPA Method 23. [40 CFR 60.33b]
18. The facility shall be exempt from all emission limitations specified in this permit for periods of start-up, shutdown, and malfunction, as defined in 40 CFR 60.58b(a). [District NSR Rule]
19. The CO emissions shall not exceed 800 pounds in any one day. [District NSR Rule]
20. The CO emissions shall not exceed 121.9 tons/yr. [District NSR Rule]
21. The NO_x emissions shall not exceed 2,260 pounds in any one day. [District NSR Rule]
22. The NO_x emissions shall not exceed 344.4 tons/year. [District NSR Rule]
23. The SO₂ emissions shall not exceed 800 pounds in any one day. [District NSR Rule]
24. The SO₂ emissions shall not exceed 121.9 tons/year. [District NSR Rule]
25. The PM emissions shall not exceed 475 pounds in any one day. [District NSR Rule]
26. The PM emissions shall not exceed 72.4 tons/year. [District NSR Rule]
27. The THC emissions shall not exceed 96 pounds in any one day. [District NSR Rule]
28. The THC emissions shall not exceed 14.6 tons/year. [District NSR Rule]

Permit unit requirements continue on next page

These terms and conditions are part of the facilitywide Permit to Operate.

Permit unit requirements continued:

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29. Until 19 December 2000, the Hg emissions shall not exceed 7.35 pounds in any one day as measured by EPA Method 101A. [District Rule 4102]
30. The mass emission rates shall be calculated from the hourly stack concentrations and the volumetric flow rate via the F-factor as determined in the most recent source test. [District NSR Rule]
31. Each combustion unit shall only be allowed to emit half of the total allowable emission rate for each pollutant. [District NSR Rule]
32. The total steam generated from each boiler shall not exceed 110% of the maximum demonstrated combustion unit load achieved in the most recent Dioxin/Furan performance test, as defined in section 40 CFR 60.51b. [40 CFR 60.34b]
33. The maximum flue gas temperature, measured at the particulate matter control device inlet from each boiler, shall not be higher than 17 deg. C (31 deg. F) above the maximum demonstrated particulate matter control device temperature as defined in section 40 CFR 60.51b. [40 CFR 60.34b]
34. The steam load and particulate matter control device inlet flue gas temperature limitations shall apply at all times except during the annual Dioxin/Furan performance test, the two weeks preceding the annual Dioxin/Furan performance test, and when the facility obtains a waiver in accordance with permission granted by the Administrator or the Air Pollution Control Officer. [40 CFR 60.53b]
35. A monthly report summarizing the quantity of pollutant emissions of SO₂, NO_x, and CO, based on data from the CEM system required by conditions 55, 56, & 57, shall be included in the information required by condition 78. Copies of the monthly reports prepared pursuant to this condition shall be sent to the district office by the 15th day of the following month. [District Rule 1070]
36. Ammonia (NH₃) breakthrough of the exhaust shall not exceed 50 ppmV. The facility shall be exempt from this condition for periods of start-up, shutdown, and malfunction as defined in 40 CFR 60.58b(a). [District Rule 4102]
37. Opacity exhibited by the gases discharged to the atmosphere from each combustion unit, other than water vapor, shall not exceed 10 percent based on a six minute average as measured by EPA Method 9. [40 CFR 60.33b]
38. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as or darker than Ringelmann 1 or equivalent to 20% opacity. [District Rule 4101]
39. Trace metals, PAH, PCB, Dioxin and Furan emissions shall not exceed the emission levels as listed in the most recent amended version of the "Stanislaus Waste-to-Energy Facility Health Risk Assessment", Radian Corporation, Sacramento, CA, 16 October 1986 (amended 9 March 1989) which has been approved by the Air Pollution Control Officer. [District Rule 4102]
40. The Dioxin and Furan emissions shall not exceed 610 ng/s, corrected to 12% CO₂, based on the Department of Health Services toxic equivalent calculation. [District Rule 4102]

Permit unit requirements continue on next page

These terms and conditions are part of the facilitywide Permit to Operate.

Permit unit requirements continued:

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41. During any period of time that MSW is burning on the grates, the combustion gas retention time shall be maintained at a minimum of one second, the combustion zone temperature shall be maintained at a minimum of 1800 deg. F, and the furnace roof temperature shall be maintained at an average (4 hour arithmetic block) of 1270 deg. F. [District NSR Rule]
42. OMSS shall immediately notify the District of any breakdown condition, as defined in District Rule 1100 - Equipment Breakdown. [District Rule 1100]
43. Fuel Oil #2, with a sulfur content not to exceed 0.25% by weight, may be used as necessary to maintain the minimum combustion zone temperature requirements. [District NSR Rule]
44. A furnace roof temperature of 1270 degrees F shall be stabilized, as measured by multiple thermocouples, to ensure that a minimum temperature of 1800 degrees F is established above the grate prior to the ignition of MSW. [District NSR Rule]
45. The ammonia (NH₃) injection rate shall be measured and recorded continuously. [District NSR Rule]
46. The baghouse shall be equipped with a pressure differential gauge to indicate the pressure drop across the bags. The gauge shall be maintained in good working condition at all times and shall be located in an easily accessible location. [District NSR Rule]
47. The baghouse shall have a maximum effective air-to-cloth ratio of 4:1 and shall be equipped with an automatic cleaning mechanism. [District NSR Rule]
48. Replacement bags numbering at least 10% of the total number of bags in the largest individual combustion unit baghouse using each type of bag shall be maintained on the premises. [District NSR Rule]
49. Paved areas shall be kept free of visible dust at all times and shall be vacuum swept at least once every fourteen days. Records of vacuum sweeping shall be maintained and made available to the District upon request. [District Rule 4102]
50. The ash shall be handled in such a manner as to mitigate fugitive emissions to the maximum extent possible. [District NSR Rule]
51. Hazardous materials shall not be burned in this equipment. Hazardous materials are that portion of solid waste which, by reason of its composition or characteristics, is: (a) hazardous waste as defined in the Solid Waste Disposal Act, 42 USC section 6901 et. seq., and the regulations thereunder, the California Health & Safety Code, Div. 20, Chs. 6.5, 6.7, and 6.8 (section 25100 et. seq.), the California Administrative Code, Title 22, Div. 4, Ch. 30, and any similar or substituted legislation or regulations or amendments to the foregoing; (b) any other materials which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic, or dangerous, or otherwise ineligible for disposal through the facility; and (c) any material, other than residential or commercial solid waste of the type historically collected by the County and the City as acceptable for disposal into non-hazardous waste landfills, which would result in process residue being hazardous waste under (a) or (b) above. [District 4102]
52. There shall be no visible emissions from any location other than designated vents on refuse receiving, processing or storage buildings at any time. [District NSR Rule]

Permit unit requirements continue on next page

These terms and conditions are part of the facilitywide Permit to Operate.

Permit unit requirements continued:

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53. The facility shall install, calibrate, maintain, and operate a carbon dioxide CEM at the economizer and stack locations of each combustion unit, in accordance with 40 CFR 60.58b(b) and Appendices B and F. [40 CFR 60.38b]
54. The facility shall install, calibrate, maintain, and operate a continuous opacity monitoring system in accordance with 40 CFR Subpart A, Section 60.13 and Appendix B. [40 CFR 60.38b]
55. The facility shall install, calibrate, maintain, and operate a sulfur dioxide CEM at the stack locations in accordance with 40 CFR 60.58b(e) and Appendices B and F. [40 CFR 60.38b]
56. The facility shall install, calibrate, maintain, and operate a nitrogen oxides CEM at the stack locations in accordance with 40 CFR 60.58b(h) and Appendices B and F. [40 CFR 60.38b]
57. The facility shall install, calibrate, maintain, and operate a carbon monoxide CEM at the stack locations in accordance with 40 CFR 60.58b(i) and Appendices B and F. [40 CFR 60.38b]
58. The facility shall install, calibrate, maintain, and operate a continuous steam flow monitoring and recording device and a device to measure temperature at the inlet of each particulate matter control device in accordance with 40 CFR 60.58b(i). [40 CFR 60.38b]
59. OMSS shall be responsible for providing the District access, via telemetry, to the stored computerized data associated with the continuous emission monitoring system. [District Rule 1080]
60. Continuous monitoring and recording equipment shall be provided for the following: (a) No. 2 fuel oil burning rate; (b) Temperature - sufficient monitors to demonstrate combustion unit temperature profile after secondary air injection. [District Rule 1080]
61. In the event that monitoring or test data shows that emissions from the facility exceed any emission limitation conditions of this Permit to Operate, OMSS shall take immediate corrective action to bring the plant's emissions within these limitations. [District NSR Rule]
62. Emissions in excess of those allowed by this permit shall be cause for the District to order an immediate reduction in fuel feed rate or to take other appropriate abatement action. [District Rule 2080]
63. OMSS shall notify the district of any emission violation by the next working day after such violation has occurred. [District Rule 2080]
64. Source testing to demonstrate compliance with permit conditions shall be conducted on an annual basis. [District Rule 1081]
65. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified 30 days prior to any compliance source test, and a source test plan must be submitted for approval 15 days prior to testing. [District Rule 1081]
66. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081]

Permit unit requirements continue on next page

These terms and conditions are part of the facilitywide Permit to Operate.

Permit unit requirements continued:

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67. Source tests shall include a test of both combustion unit exhausts following the baghouse for the following parameters, corrected to 12% CO₂ on a dry basis: (a) Oxides of nitrogen emissions; [District Rule 1081]
68. Source tests shall include a test of both combustion unit exhausts following the baghouse for the following parameters, corrected to 12% CO₂ on a dry basis: (b) Total hydrocarbons, as methane; (c) Carbon monoxide; [District Rule 1081]
69. Source tests shall include (d) Total Particulates and shall be conducted as specified in condition 2. If the measured Total Particulates are greater than 0.008 gr/dscf, corrected to 12% CO₂, testing shall be conducted to verify compliance with conditions 2, 3, & 4. [District Rule 1081]
70. Source tests shall include a test of both combustion unit exhausts following the baghouse for the following parameters, corrected to 12% CO₂ on a dry basis: (e) Sulfur dioxide; (f) Exhaust flow rate, wet and dry; [District Rule 1081]
71. Source tests shall include a test of both combustion unit exhausts following the baghouse for the following parameters, corrected to 12% CO₂ on a dry basis: (g) Polynuclear aromatic hydrocarbons (Benzo-A-Pyrene, Benzo-E-Pyrene, Benzo-A-Anthracene, and Coronene and PCB); (h) Dioxins and Furans. [District Rule 1081]
72. The following Dioxin isomers & homologues shall be measured in both the combustion unit exhausts: 2,3,7,8 tetra CDD; total tetra CDD; 1,2,3,7,8 penta CDD; total penta CDD; 1,2,3,4,7,8 hexa CDD; 1,2,3,6,7,8 hexa CDD; 1,2,3,7,8,9 hexa CDD; total hexa CDD; 1,2,3,4,6,7,8 hepta CDD; total hepta CDD; total octa CDD. [District Rule 1081]
73. The following Furan isomers & homologues shall be measured in both the combustion unit exhausts: 2,3,7,8 tetra CDF; total tetra CDF; 1,2,3,7,8 penta CDF; 2,3,4,7,8 penta CDF; total penta CDF; 1,2,3,4,7,8 hexa CDF; 1,2,3,6,7,8 hexa CDF; 1,2,3,7,8,9 hexa CDF; 2,3,4,6,7,8 hexa CDF; total hexa CDF; 1,2,3,4,6,7,8 hepta CDF; 1,2,3,4,7,8,9 hepta CDF; total hepta CDF; total octa CDF. [District Rule 1081]
74. Source tests of both combustion unit exhausts shall be performed for the following, corrected to 12% CO₂ on a dry basis: (i) Heavy metals as listed in the most recent amended version of the "Stanislaus Waste-to-Energy Facility Health Risk Assessment", Radian Corporation, Sacramento, CA, 16 October 1986 (amended 9 March 1989) which has been approved by the Air Pollution Control Officer; (j) HCl. [District Rule 1081]
75. Cooling tower drift shall not exceed 0.005 percent of the circulating water flow or a maximum annual drift emission rate of 1,090,000 kg/year. [District Rule 4102]
76. Soot blowers or super heater rappers shall be operated in a mode consistent with normal cleaning requirements of the system during the compliance tests. [District Rule 1081]
77. The thermal DeNO_x system shall be in full use whenever this equipment is fired with MSW. [District NSR Rule]
78. OMSS shall maintain a complete central file containing all measurements, records and other data that are required to be collected pursuant to the various provisions of this Permit to Operate. [District Rule 1070]

Permit unit requirements continue on next page

These terms and conditions are part of the facilitywide Permit to Operate.

Permit unit requirements continued:

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79. This file shall include, but not be limited to: (a) Data collected from in-stack monitoring instruments; (b) Input rate records for all fuels burned; (c) Purchase records that indicate the sulfur content, by weight, of all fuel oil #2 purchased; (d) Results of all source tests; [District Rule 1070]

80. This file shall include, but not be limited to: (e) All other air pollution system performance evaluations & records of calibration checks, calibration gas cylinder changes, adjustments & maintenance performed on all equipment. [District Rule 1070]

81. Records shall be kept for each unit with the following: (a) Specific time of operation of each combustion unit; (b) Specific time of operation of the auxiliary burners; (c) Equipment breakdowns or malfunctions; (d) Exceedances of emission standards. [District Rule 1070]

82. OMSS shall follow all written maintenance procedures & schedules for the following: all emissions control equipment, combustion units, and monitoring equipment for measuring emission levels. [District Rule 1070]

83. Operating & maintenance manuals, subject to district review, shall be provided for the equipment covered by this permit. OMSS operators shall be trained in the operation & maintenance of both fuel burning & pollution control equipment. [District Rule 1070]

84. All equipment, facilities and systems installed or used to comply with the terms and conditions of this Permit to Operate shall be maintained in good working order and be operated as required to meet the conditions of this permit. [District Rule 2080]

85. The district reserves the right to require OMSS to re-evaluate the health risk assessment if there is a significant change in population locations as projected in the health risk assessment, or new health data becomes available. [District Rule 4102]

86. Chromium compounds shall not be used as an additive in the cooling tower water. [District Rule 4102]

87. By 15 May 1999 or 12 months after the California State 111(d) Plan is approved, whichever is later, the facility shall be in compliance with the requirements of operator training and certifications as specified under 40 CFR 60.54b(a) through (c). [40 CFR 60.35b]

88. All chief facility operators, shift supervisors, and control room operators shall complete the municipal waste combustion unit operator training course, unless the above persons have already obtained a provisional or full ASME certification on or before 15 May 1999 or the EPA approval date of the California State 111(d) Plan, whichever is later. [40 CFR 60.35b]

89. The facility shall develop and annually update a site-specific operating manual in accordance with 40 CFR 60.54b(c). [40 CFR 60.35b]

90. Each operator and all maintenance personnel shall receive initial and annual training on the site-specific operating manual in accordance with 40 CFR 60.54b(f). [40 CFR 60.35b]

91. The site-specific operating manual and operating manual training records shall be accessible to all operations and maintenance personnel and shall be made available to the enforcement agency upon request. [40 CFR 60.35b]

Permit unit requirements continue on next page

These terms and conditions are part of the facilitywide Permit to Operate.

Permit unit requirements continued:

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92. The facility shall not cause visible emissions from ash conveying systems, including transfer points, in excess of 5% of the observation period, as determined by EPA Method 22. Fugitive ash emissions do not include emissions within a building, an enclosed ash conveyor, or during periods of maintenance and repair of the ash conveyor systems. [40 CFR 60.36b]

93. The facility may elect to alternate Dioxin/Furan testing on each stack, if the previous two years indicate Dioxin/Furan emissions levels less than or equal to 15 ng/dscm total mass, corrected to 12% CO₂. [40 CFR 60.38b]

94. The facility shall maintain all records required by this permit and records of the information as required in 40 CFR 60.59b for a period of at least five years. [40 CFR 60.39b]

95. The facility shall submit an annual report in accordance with 40 CFR 60.59b(g) by February 1 of each year following the calendar year in which the data was collected. [40 CFR 60.39b]

96. The facility shall submit semiannual reports within 31 days following the end of each 6 month period in accordance with 40 CFR 60.59b(h). [40 CFR 60.39b]

97. No later than 19 July 1999, OMSS shall submit to the District a final compliance plan and an application for an Authority to Construct for the installation of any control equipment necessary to comply with the mercury emissions limitation specified in condition 14. [40 CFR 60.39b]

98. No later than 19 January 2000, OMSS shall award contracts for the installation of any control equipment necessary to comply with the mercury emissions limitation specified in condition 14. [40 CFR 60.39b]

99. No later than 19 May 2000, OMSS shall initiate onsite construction of any control equipment necessary to comply with the mercury emissions limitation specified in condition 14. [40 CFR 60.39b]

100. No later than 19 November 2000, OMSS shall complete onsite construction of any control equipment necessary to comply with the mercury emissions limitation specified in condition 14. [40 CFR 60.39b]

101. No later than 19 December 2000, OMSS shall demonstrate final compliance with the mercury emissions limitation specified in condition 14. [40 CFR 60.39b]

102. No later than 12 months after the California State 111(d) Plan for implementing 40 CFR Subpart Cb is approved by EPA, the facility shall be in compliance with the conditions contained in this Permit to Operate that solely cite 40 CFR 60, Subpart Cb as being their statutory authority, with the exception of the conditions that specify explicit compliance dates. [40 CFR 60.39b]

103. Only those conditions contained in this Permit to Operate that cite 40 CFR 60, Subpart Cb as being their statutory authority are federally enforceable through the California State 111(d) Plan for implementing 40 CFR Subpart Cb.

These terms and conditions are part of the facilitywide Permit to Operate.

**South Coast Air Quality Management District
Operating Permits**



PERMIT TO OPERATE

This initial permit shall be renewed by ANNUALLY unless the equipment is moved, or changes ownership. If the billing for annual renewal fee (Rule 301.f) is not received by the expiration date, contact the District.

Legal Owner

ID 037336

Or Operator:

COMMERCE REFUSE TO ENERGY FACILITY
P O BOX 4998
WHITTIER, CA 90607-4998

Equipment

located at: 5926 SHEILA ST, COMMERCE, CA 90040-2403.

Equipment Description:

RESOURCE RECOVERY SYSTEM CONSISTING OF:

1. REFUSE CHARGING HOPPER
2. COMBUSTOR, MUNICIPAL SOLID WASTE FIRED, FOSTER WHEELER, MODEL NO. C845-260, WATER WALL TYPE, WITH RECIPROCATING GRATES, A NATURAL GAS FIRED AUXILIARY BURNER RATED AT 145,000 SCF/HOUR, AND A MULTI-LEVEL AMMONIA INJECTION SYSTEM, VENTING THE ASH PLANT, WASTE RECEIVING AND STORAGE AREA VIA THE 55,000 CFM UNDERFIRE PRIMARY COMBUSTION AIR FAN AND THE 24,000 CFM OVERFIRE SECONDARY COMBUSTION AIR FAN.
3. UNDERFIRE COMBUSTION AIR PREHEATING SYSTEM, MULTI-JET THERMAL OXIDIZER, MODEL HFL 2000R, NATURAL GAS FIRED, 3.4 MMBTU/HR, DUCTWORK CONNECTION TO THE FIRST STAGE UNDERFIRE COMBUSTION AIR SUPPLY AND UNDERFIRE CONTROL EQUIPMENT.
4. BOILER SECTION, WATER TUBE TYPE, RATED AT 130,000 LB/HR OF STEAM AT 650 PSIG AND 750 DEGREES FAHRENHEIT, WITH A SUPERHEATER, ECONOMIZER, AND SOOT BLOWERS.
5. STEAM TURBINE, FUJI, MODEL NO. KQ69053G1, DRIVING A 12 MW GENERATOR.
6. DRY LIME INJECTION INTO THE FURNACE.
7. AMMONIA STORAGE TANK, 12,000 GALLON CAPACITY.

Conditions:

1. OPERATION OF THIS EQUIPMENT SHALL BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
2. THIS EQUIPMENT SHALL BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.

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PERMIT TO OPERATE

CONTINUATION OF PERMIT TO OPERATE

3. THIS EQUIPMENT SHALL BE OPERATED BY PERSONNEL PROPERLY TRAINED IN ITS OPERATION. BY DECEMBER 19, 1998, THE FACILITY SHALL BE IN COMPLIANCE WITH THE APPLICABLE OPERATOR REQUIREMENTS AS SPECIFIED UNDER 40 CFR PART 60.54b.
4. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS IT IS VENTED ONLY TO AIR POLLUTION CONTROL EQUIPMENT WHICH IS IN FULL USE AND HAS BEEN ISSUED A VALID PERMIT BY THE AQMD.
5. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS ALL OF ITS PRIMARY COMBUSTION AIR IS VENTED FROM THE ASH SYSTEM, TIPPING HALL AND THE REFUSE PIT OF THE REFUSE RECEIVING AND STORAGE SYSTEM.
6. THIS EQUIPMENT MAY ONLY BE USED TO BURN REFUSE COLLECTED FROM RESIDENTIAL SOURCES, COMMERCIAL SOURCES AND OTHER SOURCES AS APPROVED AND IN A MANNER PRESCRIBED IN WRITING BY THE AQMD. ANY MATERIAL SPECIFICALLY DESIGNATED AS HAZARDOUS MATERIAL OR HAZARDOUS WASTE SHALL NOT BE BURNED UNLESS OTHERWISE APPROVED AND IN A MANNER PRESCRIBED IN WRITING BY THE AQMD.
7. ALL MATERIALS THAT ARE LISTED AS HAZARDOUS BY A FEDERAL OR STATE AGENCY OR APPEAR ON A FEDERAL OR STATE CANDIDATE LIST SHALL BE CONSIDERED "HAZARDOUS MATERIAL" FOR THE PURPOSE OF THIS PERMIT.
8. NATURAL GAS SHALL BE FIRED IN THIS COMBUSTOR ONLY FOR THE SUPPORT OF GOOD COMBUSTION OF REFUSE AND FOR PERIODS OF WARM-UP, START-UP AND SHUTDOWN. NATURAL GAS SHALL NOT BE USED FOR THE SOLE PURPOSE OF GENERATING POWER. DAILY NATURAL GAS CONSUMPTION SHALL BE MEASURED AND RECORDED.
9. FOR THE PURPOSE OF THIS PERMIT, A WARM-UP SHALL BE DEFINED AS THE PERIOD OF TIME FROM WHICH THE NATURAL GAS BURNER IS INITIALLY FIRED TO THE TIME REFUSE IS FIRST INTRODUCED INTO THE FURNACE. REFUSE SHALL NOT BE INTRODUCED INTO THE FURNACE EXCEPT DURING PERIODS OF NATURAL GAS CURTAILMENT AND UNTIL THE UNIT IS ON-LINE SYNCHRONIZED. IN ADDITION, FIRING OF NATURAL GAS SHALL CONTINUE UNTIL A POWER GENERATION LEVEL OF 5 MW IS REACHED.
10. FOR THE PURPOSE OF THIS PERMIT, A START-UP SHALL BE DEFINED AS THE FIRST 3 HOURS AFTER THE COMBUSTOR BEGINS THE CONTINUOUS BURNING OF MUNICIPAL SOLID WASTE.

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PERMIT TO OPERATE

CONTINUATION OF PERMIT TO OPERATE

11. FOR THE PURPOSE OF THIS PERMIT, A SHUTDOWN SHALL BE DEFINED AS THE PERIOD OF TIME STARTING FROM THE CESSATION OF REFUSE CHARGING INTO THE FURNACE UNTIL COMPLETE REFUSE BURNOUT. DURING SHUTDOWN, THE FURNACE SHALL BURN NATURAL GAS AND SHALL REMAIN ON-LINE UNTIL ALL REFUSE ON THE GRATES HAS BEEN COMBUSTED. THE DURATION OF A SHUTDOWN SHALL NOT EXCEED 3 HOURS PER OCCURRENCE.
12. EXCEPT AS PROVIDED BY PART 60.56b, THE APPLICABLE STANDARDS UNDER 40 CFR SUBPARTS Cb AND Eb. SHALL APPLY AT ALL TIMES EXCEPT DURING PERIODS OF WARM-UP, START-UP, SHUTDOWN, OR MALFUNCTION. FOR THE PURPOSE OF COMPLIANCE WITH THIS CONDITION A MALFUNCTION SHALL ALSO BE LIMITED TO 3 HOURS PER OCCURRENCE.
13. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS THE SELECTIVE NON-CATALYTIC REDUCTION (SNCR) SYSTEM IS IN OPERATION, EXCEPT DURING THE PERIODS OF WARM-UP OR SHUTDOWN.
14. RESIDUE FROM THE GRATES AND SIFTINGS FROM UNDER THE GRATES SHALL BE DISCHARGED ONLY INTO AN ASH QUENCH TANK.
15. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS LOAD MONITOR AND RECORDER IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b, TO MEASURE AND RECORD STEAM FLOW OR FEEDWATER FLOW RATE TO DETERMINE THAT THE RESOURCE RECOVERY SYSTEM IS NOT OPERATING AT A LOAD LEVEL GREATER THAN 110 PERCENT OF THE MAXIMUM DEMONSTRATED MUNICIPAL WASTE COMBUSTOR UNIT LOAD AS DEFINED IN 40 CFR PART 60.51b EXCEPT AS SPECIFIED UNDER 40 CFR PART 60.53b(b).
16. THE TOTAL ALLOWED SUPPLEMENTAL NATURAL GAS USAGE FOR THIS BOILER SHALL NOT EXCEED 1,300,000 STANDARD CUBIC FEET PER DAY.
17. NATURAL GAS CONSUMPTION FOR THE COMBUSTION AIR PREHEATER SHALL NOT EXCEED 76,800 STANDARD CUBIC FEET PER DAY.
18. BY DECEMBER 19, 1998, VISIBLE FUGITIVE ASH EMISSIONS FROM THE ASH CONVEYING SYSTEM SHALL NOT EXCEED 5 PERCENT OF THE OBSERVATION PERIOD WHICH IS DEFINED IN 40 CFR PART 60.58(b)(k), EXCEPT DURING MAINTENANCE AND REPAIR OF ASH CONVEYING SYSTEMS.
19. ALL RECORDS REQUIRED BY THIS PERMIT OR 40 CFR PART 60.59b, AS APPLICABLE, SHALL BE MAINTAINED AND KEPT ON FILE FOR A PERIOD OF AT LEAST 5 YEARS AND SHALL BE MADE AVAILABLE TO AQMD PERSONNEL UPON REQUEST.

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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 East Copley Drive, Diamond Bar, CA 91765

PERMIT TO OPERATE

Permit No.
R-D96114
A/N 306663
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CONTINUATION OF PERMIT TO OPERATE

This Permit to Operate No. R-D96114 supersedes Permit to Operate
No. D96114 issued on 1/31/96.

NOTICE

IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR COPY SHALL BE POSTED
ON OR WITHIN 8 METERS OF THE EQUIPMENT.

THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF
THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF
CALIFORNIA OR THE RULES OF THE AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT
CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES,
REGULATIONS OR STATUTES OF OTHER GOVERNMENT AGENCIES.

EXECUTIVE OFFICER

Dorris M. Bailey

By Dorris M. Bailey/gl
5/7/98

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This initial permit shall be renewed by ANNUALLY unless the equipment is moved, or changes ownership. If the billing for annual renewal fee (Rule 301.f) is not received by the expiration date, contact the District.

Legal Owner **ID 037336**
Or Operator: **COMMERCE REFUSE TO ENERGY FACILITY**
P O BOX 4998
WHITTIER, CA 90607-4998

Equipment
located at: 5926 SHEILA ST, COMMERCE, CA 90040-2403.

Equipment Description:

AIR POLLUTION CONTROL SYSTEM CONSISTING OF:

1. **ABSORBER, SPRAY DRYER TYPE, WITH CALCIUM HYDROXIDE OR SODIUM HYDROXIDE INJECTION.**
2. **BAGHOUSE, WITH A MAXIMUM AIR-TO-CLOTH RATIO OF 2.3 TO 1, REVERSE AIR CLEANING, TOTAL FILTER AREA OF 62,225 SQ. FT.**
3. **EXHAUST SYSTEM WITH AN INDUCED DRAFT FAN, 110,000 CFM CAPACITY, VENTING THE REFUSE COMBUSTION SYSTEM.**

Conditions:

1. **OPERATION OF THIS EQUIPMENT SHALL BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.**
2. **THIS EQUIPMENT SHALL BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.**
3. **THIS EQUIPMENT SHALL BE OPERATED BY PERSONNEL PROPERLY TRAINED IN ITS OPERATION. BY DECEMBER 19, 1998, THE FACILITY SHALL BE IN COMPLIANCE WITH THE APPLICABLE OPERATOR REQUIREMENTS AS SPECIFIED UNDER 40 CFR PART 60.54b.**
4. **DUST OR FLYASH COLLECTED IN THE BAGHOUSE COMPARTMENT HOPPERS AND THE SPRAY DRYER HOPPER SHALL BE DISCHARGED ONLY INTO CLOSED CONVEYORS AND/OR CONTAINERS EXCEPT DURING MAINTENANCE AND REPAIR OF ASH CONVEYING SYSTEMS.**
5. **A GAUGE SHALL BE MAINTAINED TO INDICATE, IN INCHES OF WATER COLUMN, THE STATIC PRESSURE DIFFERENTIAL ACROSS THE BAGS.**

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PERMIT TO OPERATE

CONTINUATION OF PERMIT TO OPERATE

6. THE VOLUME AND/OR MASS OF REAGENT INJECTED FOR SO₂ CONTROL SHALL BE CONTINUOUSLY MEASURED AND RECORDED.
7. A CONTINUOUS MONITORING SYSTEM TO MONITOR AND RECORD MASS EMISSIONS AND CONCENTRATIONS OF NITROGEN OXIDES (NO_x), OXIDES OF SULFUR (SO_x) AND CARBON MONOXIDE (CO) IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK, SHALL BE MAINTAINED AND OPERATED IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b.
8. A CONTINUOUS OXYGEN MONITOR AND RECORDER, AS APPROVED BY THE AQMD, SHALL BE MAINTAINED AND OPERATED IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MEASURE CONCENTRATIONS OF OXYGEN IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK.
9. A SYSTEM, AS APPROVED BY THE AQMD, SHALL BE OPERATED TO CONVERT AND RECORD THE STACK NITROGEN OXIDES CONCENTRATIONS TO 3% OXYGEN ON A DRY BASIS AND REPORT THE RESULTS IN A MANNER WHICH DEMONSTRATES COMPLIANCE WITH RULE 476.
10. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS OPACITY MONITOR AND RECORDER IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MEASURE OPACITY OF FLUE GAS IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK. THE MEASURED OPACITY SHALL NOT EXCEED 10 PERCENT IN 6-MINUTE AVERAGE.
11. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS TEMPERATURE MONITOR IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MONITOR THE TEMPERATURE OF THE FLUE GAS STREAM AT THE INLET TO EACH PARTICULATE MATTER CONTROL DEVICE FOR THE RESOURCE RECOVERY SYSTEM. THE MONITORED TEMPERATURE SHALL NOT EXCEED 17 DEGREES IN CELSIUS (4-HR BLOCK AVERAGE) ABOVE THE MAXIMUM DEMONSTRATED PARTICULATE MATTER CONTROL DEVICE TEMPERATURE AS DEFINED IN 40 CFR PART 60.51b EXCEPT AS SPECIFIED UNDER 40 CFR PART 60.53b(c).
12. ALL CONTINUOUS EMISSION MONITORS SHALL BE OPERATED IN ACCORDANCE WITH THE REQUIREMENTS AND OPERATING PROCEDURES AS APPROVED BY THE AQMD.
13. CONTROLLED EMISSIONS OF OXIDES OF NITROGEN (NO_x) IN THE AIR POLLUTION CONTROL SYSTEM EXHAUST FROM THIS SYSTEM SHALL NOT EXCEED 190 PPMV (HOURLY AVERAGE) AND 225 PPMV (15 MINUTES AVERAGE) AT 3% OXYGEN ON A DRY BASIS.
14. CONTROLLED EMISSIONS OF CARBON MONOXIDE (CO) IN THE AIR POLLUTION CONTROL SYSTEM EXHAUST FROM THIS SYSTEM SHALL NOT EXCEED 215 PPMV (HOURLY AVERAGE), AT 3 % OXYGEN ON A DRY BASIS.

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PERMIT TO OPERATE

CONTINUATION OF PERMIT TO OPERATE

15. NOT LESS THAN 59 GALLONS PER HOUR OF 15 PERCENT CA(OH)_2 SLURRY SHALL BE INJECTED TO THE SPRAY DRYER, OR NOT LESS THAN 43 GALLONS PER HOUR OF 20 PERCENT NaOH SLURRY TO THE SPRAY DRYER, OR NOT LESS THAN 100 LB/HR OF DRY LIME SHALL BE INJECTED INTO THE FURNACE DURING ANY PERIOD THE SO_2 CEMS IS NOT PROPERLY OPERATING.

16. BY DECEMBER 19, 1998, CONTROLLED EMISSIONS OF THE FOLLOWING POLLUTANTS IN THE EXHAUST FROM THE SYSTEM SHALL NOT EXCEED THE LIMITS SPECIFIED BELOW. THE FOLLOWING LIMITS ARE CORRECTED TO 7% OXYGEN ON A DRY BASIS UNLESS OTHERWISE INDICATED:

OXIDES OF NITROGEN (NOX)	205 PPMV (24-HR DAILY ARITHMETIC AVERAGE)
OXIDES OF SULFUR (SOX)	29 PPMV OR 75% WT. REDUCTION (24-HR DAILY GEOMETRIC MEAN)
CARBON MONOXIDE (CO)	100 PPMV (4-HR ARITHMETIC AVERAGE)
PARTICULATE MATTER (PM)	27 mg/DSCM
DIOXIN/FURAN	30 ng/DSCM
CADMIUM	0.04 mg/DSCM
LEAD	0.44 mg/DSCM
MERCURY	0.080 mg/DSCM OR 85% WT. REDUCTION
HYDROGEN CHLORIDE	29 PPMV OR 95% WT. REDUCTION

17. THE TOTAL NON-METHANE HYDROCARBON EMISSIONS SHALL BE MEASURED BY USING AQMD METHOD 25.1 OR ANOTHER EQUIVALENT METHOD APPROVED BY THE AQMD. IF AN ALTERNATE METHOD IS ADOPTED WHICH IS SHOWN TO RESULT IN A HIGHER TOTAL HYDROCARBON EMISSION THAN THAT CONTAINED IN CONDITION NO. 18, THE FACILITY OPERATOR MAY REQUEST A CHANGE IN THE EMISSION LIMIT TO REFLECT THE HIGHER VALUE. THE REQUEST SHALL BE IN WRITING, AND SHALL BE FILED AFTER THE FIRST ANNUAL SOURCE TEST IS CONDUCTED USING THE ALTERNATIVE TEST METHOD.

18. THE CONTROLLED EMISSIONS IN THE EXHAUST FROM THIS SYSTEM SHALL NOT EXCEED THE FOLLOWING LIMITS:

CONTAMINANT	LB/DAY
NITROGEN OXIDES	825
PM10	123
SULFUR OXIDES	100
CARBON MONOXIDE	300
TOTAL HYDROCARBONS	58

19. BY DECEMBER 19, 1998, VISIBLE FUGITIVE ASH EMISSIONS FROM AN ASH CONVEYING SYSTEM SHALL NOT EXCEED 5 PERCENT OF THE OBSERVATION PERIOD WHICH IS DEFINED IN 40 CFR PART 60.58(b)(k), EXCEPT DURING MAINTENANCE AND REPAIR OF ASH CONVEYING SYSTEMS.

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PERMIT TO OPERATE

CONTINUATION OF PERMIT TO OPERATE

20. THE AQMD APPROVED SAMPLING PORTS SHALL BE MAINTAINED IN THE FOLLOWING LOCATIONS:
- A. IN THE DUCT FOLLOWING THE COMBUSTOR/BOILER BUT PRECEDING THE SPRAY DRYER;
 - B. IN THE DUCT FOLLOWING THE SPRAY DRYER BUT PRECEDING THE BAGHOUSE;
 - C. IN THE EXHAUST STACK;
 - D. IN THE COMBUSTION AIR INLET DUCT BETWEEN THE INTAKE AND THE COMBUSTOR.

21. THE OWNER OR OPERATOR OF COMMERCE REFUSE TO ENERGY FACILITY SHALL CONDUCT PERFORMANCE WITH THE AQMD TEST PROCEDURES AND 40 CFR PART 60.58b. WRITTEN NOTICE OF SUCH PERFORMANCE TESTS SHALL BE PROVIDED TO THE AQMD SEVEN (7) DAYS PRIOR TO THE TEST SO THAT AN OBSERVER MAY BE PRESENT.

THE PERFORMANCE TESTS SHALL INCLUDE, BUT MAY NOT BE LIMITED TO, A TEST OF THE COMBUSTOR/BOILER EXHAUST STREAM FOLLOWING THE BAGHOUSE UNLESS OTHERWISE REQUESTED BELOW FOR THE FOLLOWING POLLUTANTS:

- A. HYDROCARBONS
 - B. PARTICULATE MATTER
 - C. HYDROGEN CHLORIDE
 - D. EXHAUST FLOW RATE, WET AND DRY
 - E. POLYNUCLEAR AROMATIC HYDROCARBONS (BENZO-A-PYRENE, BENZO-E-PYRENE, BENZO-A-ANTHRACENE, AND CORONENE.
 - F. TETRA- THROUGH OCTA-CHLORINATED DIBENZO-P-DIOXINS AND DIBENZOFURANS
 - G. HEAVY METALS (ARSENIC, BERYLLIUM, CADMIUM, CHROMIUM, COPPER, NICKEL, LEAD, MANGANESE, MERCURY, SELENIUM AND ZINC)
 - H. OPACITY
 - I. FLUE GAS TEMPERATURE AT THE INLET TO THE BAGHOUSE DURING DIOXIN/FURAN TEST
 - J. LOAD LEVEL (STEAM FLOW OR FEEDWATER FLOW) DURING DIOXIN/FURAN TEST
 - K. OXIDES OF NITROGEN WITH AMMONIA INJECTION (AS VOLUME PERCENT, AT 3% O₂ ON A DRY BASIS)
 - L. OXIDES OF SULFUR
 - M. CARBON MONOXIDE
 - N. FUGITIVE ASH USING EPA METHOD 22
22. THE OWNER OR OPERATOR OF COMMERCE REFUSE-TO-ENERGY FACILITY SHALL SUBMIT WRITTEN RESULTS OF THE PERFORMANCE TESTS TO THE AQMD BY FEBRUARY 1st OF EACH YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE

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TESTS WERE CONDUCTED. THE REPORT SHALL ALSO INCLUDE THE INFORMATION SPECIFIED IN 40 CFR PART 60.59b(g), AS APPLICABLE.

23. ALL RECORDS REQUIRED BY THIS PERMIT OR 40 CFR PART 60.59b, AS APPLICABLE, SHALL BE MAINTAINED AND KEPT ON FILE FOR A PERIOD OF AT LEAST 5 YEARS AND BE MADE AVAILABLE TO AQMD PERSONNEL UPON REQUEST.
24. IN ACCORDANCE WITH AQMD RULE 218, THE COMMERCE REFUSE TO ENERGY FACILITY OPERATOR SHALL SUBMIT A MONTHLY SUMMARY OF THE CONCENTRATION AND EMISSION DATA FROM THE CEMS WITHIN 30 DAYS OF THE END OF THE MONTH BEING REPORTED.

This Permit to Operate No. R-D96066 supersedes Permit to Operate No. D96066 issued on 1/30/96.

NOTICE

IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR COPY SHALL BE POSTED ON OR WITHIN 8 METERS OF THE EQUIPMENT.

THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA OR THE RULES OF THE AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES, REGULATIONS OR STATUTES OF OTHER GOVERNMENT AGENCIES.

EXECUTIVE OFFICER

Dorris M. Bailey

By Dorris M. Bailey/gl
5/7/98

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Legal Owner

Or Operator:

LONG BEACH CITY, SERRF PROJECT
120 HENRY FORD AVE
LONG BEACH, CA 90802

ID 044577

Equipment

located at: 120 HENRY FORD AV, LONG BEACH, CA 90802-1039

Equipment Description:

RESOURCE RECOVERY SYSTEM NO. 1 CONSISTING OF:

1. REFUSE RECEIVING HOPPER, CHARGING MUNICIPAL SOLID WASTE FIRED BOILER NO. 1.
2. COMBUSTOR/BOILER NO. 1, MUNICIPAL SOLID WASTE FIRED, L.C. STEINNULLER, WATER WALL TYPE, WITH RECIPROCATING GRATES, TWO NATURAL GAS FIRED AUXILIARY BURNERS WITH A COMBINED RATING OF 2,200,000 SCF/DAY, A MULTI-LEVEL AMMONIA INJECTION SYSTEM, UNDER GRATE PRIMARY COMBUSTION AIR FAN THAT VENTS THE WASTE RECEIVING AND STORAGE SYSTEM, AND OVER FIRE SECONDARY COMBUSTION AIR FAN.
3. BOILER SECTION, WATER TUBE TYPE, CONSISTING OF A SUPERHEATER, ECONOMIZER, TUBULAR STEAM COIL AIR PREHEATER, WITH MECHANICAL AND PNEUMATIC RAPPERS, AND EACH WITH A CAPACITY OF 130,000 POUNDS PER HOUR DAILY AVERAGE OF STEAM AT 660 PSIA AND 752 DEGREES FAHRENHEIT.
4. STEAM TURBINE, IMO DELAVAL, MODEL MJ-MZ-SF, 37,504 KW (COMMON TO RESOURCE RECOVERY SYSTEMS NO. 2 AND 3).
5. GENERATOR, GEC ALSTHOM, MODEL T216-255 (COMMON TO RESOURCE RECOVERY SYSTEMS NO. 2 AND 3).
6. AQUEOUS AMMONIA STORAGE TANK, 24,000 GALLON CAPACITY (COMMON TO RESOURCE RECOVERY SYSTEMS NO. 2 AND 3).

Conditions:

1. OPERATION OF THIS EQUIPMENT SHALL BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
2. THIS EQUIPMENT SHALL BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.

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3. THIS EQUIPMENT SHALL BE OPERATED BY PERSONNEL PROPERLY TRAINED IN ITS OPERATION. BY DECEMBER 19, 1998, THE FACILITY SHALL BE IN COMPLIANCE WITH THE APPLICABLE OPERATOR REQUIREMENTS AS SPECIFIED UNDER 40 CFR PART 60.54b.
4. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS IT IS VENTED ONLY TO AIR POLLUTION CONTROL EQUIPMENT WHICH IS IN FULL USE AND HAS BEEN ISSUED A VALID PERMIT BY THE AQMD.
5. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS ALL OF ITS PRIMARY COMBUSTION AIR IS VENTED FROM THE TIPPING HALL AND THE REFUSE PIT OF THE REFUSE RECEIVING AND STORAGE SYSTEM.
6. THIS EQUIPMENT MAY ONLY BE USED TO BURN REFUSE COLLECTED FROM RESIDENTIAL SOURCES, COMMERCIAL SOURCES AND OTHER SOURCES AS APPROVED AND IN A MANNER PRESCRIBED IN WRITING BY THE AQMD. ANY MATERIAL SPECIFICALLY DESIGNATED AS HAZARDOUS MATERIAL OR HAZARDOUS WASTE SHALL NOT BE BURNED UNLESS OTHERWISE APPROVED AND IN A MANNER PRESCRIBED IN WRITING BY THE AQMD.
7. ALL MATERIALS THAT ARE LISTED AS HAZARDOUS BY A FEDERAL OR STATE AGENCY OR APPEAR ON A FEDERAL OR STATE CANDIDATE LIST SHALL BE CONSIDERED "HAZARDOUS MATERIAL" FOR THE PURPOSE OF THIS PERMIT.
8. NATURAL GAS SHALL BE FIRED IN THIS COMBUSTOR ONLY FOR THE SUPPORT OF GOOD COMBUSTION OF REFUSE AND FOR PERIODS OF WARM-UP, START-UP AND SHUTDOWN. NATURAL GAS SHALL NOT BE USED FOR THE SOLE PURPOSE OF GENERATING POWER. DAILY NATURAL GAS CONSUMPTION SHALL BE MEASURED AND RECORDED.
9. FOR THE PURPOSE OF THIS PERMIT, A WARM-UP SHALL BE DEFINED AS THE PERIOD OF TIME FROM WHICH THE NATURAL GAS BURNER IS INITIALLY FIRED TO THE TIME REFUSE IS FIRST INTRODUCED INTO THE FURNACE. NATURAL GAS FIRING MAY CONTINUE UNTIL THE STEAM TURBINE REACHES FULL LOAD.
10. FOR THE PURPOSE OF THIS PERMIT, A START-UP SHALL BE DEFINED AS THE FIRST 3 HOURS AFTER THE COMBUSTOR BEGINS THE CONTINUOUS BURNING OF MUNICIPAL SOLID WASTE.
11. FOR THE PURPOSE OF THIS PERMIT, A SHUTDOWN SHALL BE DEFINED AS THE PERIOD OF TIME STARTING FROM THE CESSATION OF REFUSE CHARGING INTO THE FURNACE UNTIL COMPLETE REFUSE BURNOUT. DURING SHUTDOWN, THE FURNACE SHALL BURN NATURAL GAS UNTIL ALL REFUSE ON THE GRATES HAS BEEN COMBUSTED. THE DURATION OF A SHUTDOWN SHALL NOT EXCEED 3 HOURS PER OCCURRENCE.

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12. EXCEPT AS PROVIDED BY PART 60.56b, THE APPLICABLE STANDARDS UNDER 40 CFR SUBPARTS Cb AND Eb, SHALL APPLY AT ALL TIMES EXCEPT DURING PERIODS OF WARM-UP, START-UP, SHUTDOWN, OR MALFUNCTION. FOR THE PURPOSE OF COMPLIANCE WITH THIS CONDITION, A MALFUNCTION SHALL ALSO BE LIMITED TO 3 HOURS PER OCCURRENCE.
13. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS THE SELECTIVE NON-CATALYTIC REDUCTION (SNCR) SYSTEM IS IN OPERATION, EXCEPT DURING THE PERIODS OF WARM-UP, SHUTDOWN OR WHEN THE FLUE GAS TEMPERATURE IS LESS THAN 1,200 DEGREES FAHRENHEIT.
14. RESIDUE FROM THE GRATES, BOILER HOPPERS, AND SIFTINGS FROM UNDER THE GRATES SHALL BE DISCHARGED ONLY INTO AN ASH QUENCH TANK.
15. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS LOAD MONITOR AND RECORDER IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b, TO MEASURE AND RECORD STEAM FLOW OR FEEDWATER FLOW RATE TO DETERMINE THAT THE RESOURCE RECOVERY SYSTEM IS NOT OPERATING AT A LOAD LEVEL GREATER THAN 110 PERCENT OF THE MAXIMUM DEMONSTRATED MUNICIPAL WASTE COMBUSTOR UNIT LOAD AS DEFINED IN 40 CFR PART 60.51b EXCEPT AS SPECIFIED UNDER 40 CFR PART 60.53b(b).
16. THE COMBUSTOR/BOILER SHALL BE OPERATED TO PROVIDE A MINIMUM GAS RETENTION TIME OF ONE SECOND AT A TEMPERATURE ABOVE 1,800 DEGREES FAHRENHEIT, AS SHOWN BY A MINIMUM ROOF TEMPERATURE READING OF 1,000 DEGREES FAHRENHEIT, EXCEPT DURING WARM-UP, START-UP AND SHUTDOWN.
17. THE OPERATOR SHALL TAKE STEPS TO MINIMIZE THE COMBUSTION OF TIRES AND OTHER SULFUR BEARING MATERIALS.
18. BY DECEMBER 19, 1998, VISIBLE FUGITIVE ASH EMISSIONS FROM AN ASH CONVEYING SYSTEM SHALL NOT EXCEED 5 PERCENT OF THE OBSERVATION PERIOD WHICH IS DEFINED IN 40 CFR PART 60.58b(k), EXCEPT DURING MAINTENANCE AND REPAIR OF ASH CONVEYING SYSTEMS.
19. ALL RECORDS REQUIRED BY THIS PERMIT OR 40 CFR PART 60.59b, AS APPLICABLE, SHALL BE MAINTAINED AND KEPT ON FILE FOR A PERIOD OF AT LEAST FIVE YEARS AND SHALL BE MADE AVAILABLE TO AQMD PERSONNEL UPON REQUEST.

This Permit to Operate No. R-D87714 supersedes Permit to Operate No. D87714 issued on 1/20/95.

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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 East Copley Drive, Diamond Bar, CA 91765

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NOTICE

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EXECUTIVE OFFICER

Dorris M. Bailey

By Dorris M. Bailey/gl
5/19/98

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Legal Owner
Or Operator:

LONG BEACH CITY, SERRF PROJECT
120 HENRY FORD AVE
LONG BEACH, CA 90802

ID 044577

Equipment

located at: 120 HENRY FORD AV, LONG BEACH, CA 90802-1039

Equipment Description:

AIR POLLUTION CONTROL SYSTEM NO. 1 CONSISTING OF:

1. ROTARY ATOMIZER NO. 1 WITH CYCLONE INLETS VENTING COMBUSTOR/BOILER NO. 1.
2. SPRAY DRYER TYPE REACTORS WITH CALCIUM HYDROXIDE INJECTION, EACH SERVING ROTARY ATOMIZER NO. 1.
3. BAGHOUSE NO. 1, WITH TEN COMPARTMENTS, CROSS-OVER DUCTING, REVERSE AIR CLEANING, 73,416 SQ. FT. OF FILTER AREA AND A MAXIMUM AIR-TO-CLOTH RATIO OF 2.0 TO 1.0.
4. INDUCED DRAFT FAN NO. 1 VENTING RESOURCE RECOVERY SYSTEM NO. 1.

Conditions:

1. OPERATION OF THIS EQUIPMENT SHALL BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
2. THIS EQUIPMENT SHALL BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.
3. THIS EQUIPMENT SHALL BE OPERATED BY PERSONNEL PROPERLY TRAINED IN ITS OPERATION. BY DECEMBER 19, 1998, THE FACILITY SHALL BE IN COMPLIANCE WITH THE APPLICABLE OPERATOR REQUIREMENTS AS SPECIFIED UNDER 40 CFR PART 60.54b.
4. DUST OR FLYASH COLLECTED IN THE BAGHOUSE COMPARTMENT HOPPERS SHALL BE DISCHARGED ONLY INTO CLOSED CONVEYORS AND SHALL REMAIN IN CLOSED CONVEYORS UNTIL CONDITIONED IN THE ASH CONDITIONER, EXCEPT DURING MAINTENANCE AND REPAIR, DUST OR FLYASH COLLECTED IN THE SPRAY DRYER SHALL BE REMOVED IN AN ENCLOSED SYSTEM.
5. A GAUGE SHALL BE MAINTAINED TO INDICATE, IN INCHES OF WATER PRESSURE,

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THE STATIC PRESSURE DIFFERENTIAL ACROSS THE BAGS.

6. THE VOLUME OF LIME SLURRY SUPPLIED TO THE ATOMIZERS FOR SO₂ CONTROL SHALL BE CONTINUOUSLY MEASURED AND RECORDED.
7. A CONTINUOUS MONITORING SYSTEM TO MONITOR AND RECORD MASS EMISSIONS AND CONCENTRATIONS OF NITROGEN OXIDES (NO_x), OXIDES OF SULFUR (SO_x) AND CARBON MONOXIDE (CO) IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK, SHALL BE MAINTAINED AND OPERATED IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b.
8. A CONTINUOUS OXYGEN MONITOR AND RECORDER, AS APPROVED BY THE AQMD, SHALL BE MAINTAINED AND OPERATED IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MEASURE CONCENTRATIONS OF OXYGEN IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK.
9. A SYSTEM, AS APPROVED BY THE AQMD, SHALL BE OPERATED TO CONVERT AND RECORD THE STACK NITROGEN OXIDES CONCENTRATIONS TO 3% OXYGEN ON A DRY BASIS AND REPORT THE RESULTS IN A MANNER WHICH DEMONSTRATES COMPLIANCE WITH RULE 476.
10. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS OPACITY MONITOR AND RECORDER IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MEASURE OPACITY OF FLUE GAS IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK. THE MEASURED OPACITY SHALL NOT EXCEED 10 PERCENT IN 6-MINUTE AVERAGE.
11. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS TEMPERATURE MONITOR IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MONITOR THE TEMPERATURE OF THE FLUE GAS STREAM AT THE INLET TO EACH PARTICULATE MATTER CONTROL DEVICE FOR THE RESOURCE RECOVERY SYSTEM. THE MONITORED TEMPERATURE SHALL NOT EXCEED 17 DEGREES IN CELSIUS (4-HR BLOCK AVERAGE) ABOVE THE MAXIMUM DEMONSTRATED PARTICULATE MATTER CONTROL DEVICE TEMPERATURE AS DEFINED IN 40 CFR PART 60.51b EXCEPT AS SPECIFIED UNDER 40 CFR PART 60.53b(c).
12. ALL CONTINUOUS EMISSION MONITORS SHALL BE OPERATED IN ACCORDANCE WITH THE REQUIREMENTS AND OPERATING PROCEDURES AS APPROVED BY THE AQMD.
13. CONTROLLED EMISSIONS OF OXIDES OF NITROGEN (NO_x) IN THE AIR POLLUTION CONTROL SYSTEM EXHAUST FROM THIS SYSTEM SHALL NOT EXCEED 225 PPMV (15 MINUTES AVERAGE) AT 3% OXYGEN ON A DRY BASIS.
14. BY DECEMBER 19, 1998, CONTROLLED NO_x EMISSIONS IN THE EXHAUST FROM THE SYSTEM SHALL NOT EXCEED 205 PPMV CORRECTED TO 7% OXYGEN ON A DRY BASIS. WHEN AVERAGING EMISSIONS FROM ALL COMBUSTORS AS ALLOWED IN PART 60.33b(d) OF 40 CFR SUBPART Cb, THE AVERAGED NO_x EMISSIONS SHALL NOT

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EXCEED 180 PPMV CORRECTED TO 7% OXYGEN ON A DRY BASIS (24-HR DAILY ARITHMETIC AVERAGE).

15. CONTROLLED EMISSIONS OF OXIDES OF SULFUR (SOX) FROM THE COMBUSTOR/BOILER SHALL NOT EXCEED THE MORE STRINGENT OF 17 LB/HR OR 70 PPM, DRY COLLECTED TO 12% CO₂ (3 HOUR AVERAGE), AND THE MORE STRINGENT OF 12 LB/HR OR 26 PPM, DRY CORRECTED TO 12% CO₂ (8 HOUR AVERAGE).

16. BY DECEMBER 19, 1998, CONTROLLED EMISSIONS OF THE FOLLOWING POLLUTANTS IN THE EXHAUST FROM THE SYSTEM SHALL NOT EXCEED THE LIMITS SPECIFIED BELOW. THE FOLLOWING LIMITS ARE CORRECTED TO 7% OXYGEN ON A DRY BASIS UNLESS OTHERWISE INDICATED:

OXIDES OF SULFUR (SOX)	29 PPMV OR 75 % WT. REDUCTION (24-HR DAILY GEOMETRIC MEAN)
PARTICULATE MATTERS (PM)	27 mg/DSCM
DIOXIN/FURAN	30 ng/DSCM
CADMIUM	0.04 mg/DSCM
LEAD	0.44 mg/DSCM
MERCURY	0.080 mg/DSCM OR 85 % WT. REDUCTION
HYDROGEN CHLORIDE	29 PPMV OR 95 % WT. REDUCTION

17. BY DECEMBER 19, 2000, CONTROLLED EMISSIONS OF CARBON MONOXIDE (CO) IN THE EXHAUST FROM THE SYSTEM SHALL NOT EXCEED 100 PPMV (4-HR ARITHMETIC AVERAGE) CORRECTED TO 7% OXYGEN ON A DRY BASIS. THE OWNER OR OPERATOR OF SERRF SHALL ADHERE TO THE MEASURABLE AND ENFORCEABLE INCREMENTAL STEPS OF PROGRESS, AS LISTED BELOW, TO ACHIEVE COMPLIANCE WITH THE CONCENTRATION LIMIT OF 100 PPMV:

INCREMENTAL STEPS	DEADLINE
-------------------	----------

- | | |
|---|--------------|
| 1. Submit final control plan to SCAQMD | July 1998 |
| 2. Award contract for control system, or process modification, or orders for purchase of components | April 1999 |
| 3. Initiating of on-site construction or installation of the air pollution control devices or process changes | October 1999 |
| 4. Completing on-site construction or installation control device or process changes | April 2000 |
| 5. Final Compliance | Dec 19, 2000 |

18. THE CONTROLLED EMISSIONS IN THE EXHAUST FROM THIS SYSTEM SHALL NOT EXCEED THE FOLLOWING LIMITS:

CONTAMINANT	LB/DAY
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NITROGEN OXIDES	816
PM10	120
SULFUR OXIDES	288
CARBON MONOXIDE	792
REACTIVE ORGANIC GAS	72
HYDROGEN CHLORIDE	204

19. BY DECEMBER 19, 1998, VISIBLE FUGITIVE ASH EMISSIONS FROM AN ASH CONVEYING SYSTEM SHALL NOT EXCEED 5 PERCENT OF THE OBSERVATION PERIOD WHICH IS DEFINED IN 40 CFR PART 60.58b(k), EXCEPT DURING MAINTENANCE AND REPAIR OF ASH CONVEYING SYSTEMS.
20. THE AQMD APPROVED SAMPLING PORTS SHALL BE MAINTAINED IN THE FOLLOWING LOCATIONS:
- A. IN THE DUCT FOLLOWING THE COMBUSTOR/BOILER BUT PRECEDING THE SPRAY DRYER;
 - B. IN THE DUCT FOLLOWING THE SPRAY DRYER BUT PRECEDING THE BAGHOUSE;
 - C. IN THE EXHAUST STACK;
 - D. IN THE COMBUSTION AIR INLET DUCT BETWEEN THE INTAKE AND THE COMBUSTOR.
21. THE OWNER OR OPERATOR OF SOUTHEAST RESOURCE RECOVERY FACILITY (SERRF) SHALL CONDUCT PERFORMANCE TESTS ON AN ANNUAL BASIS IN ACCORDANCE WITH THE AQMD TEST PROCEDURES AND 40 CFR PART 60.58b. WRITTEN NOTICE OF SUCH PERFORMANCE TESTS SHALL BE PROVIDED TO THE AQMD SEVEN (7) DAYS PRIOR TO THE TEST SO THAT AN OBSERVER MAY BE PRESENT.

THE PERFORMANCE TESTS SHALL INCLUDE, BUT MAY NOT BE LIMITED TO, A TEST OF ONE OF THE THREE COMBUSTOR/BOILER EXHAUST STREAMS FOLLOWING THE BAGHOUSE UNLESS OTHERWISE REQUESTED BELOW FOR THE FOLLOWING POLLUTANTS:

- A. HYDROCARBONS
- B. PARTICULATE MATTER
- C. HYDROGEN CHLORIDE
- D. EXHAUST FLOW RATE, WET AND DRY
- E. POLYNUCLEAR AROMATIC HYDROCARBONS (BENZO-A-PYRENE, BENZO-E-PYRENE, BENZO-A-ANTHRACENE AND CORONENE).
- F. TETRA- THROUGH OCTA-CHLORINATED DIBENZO-P-DIOXINS AND DIBENZOFURANS
- G. HEAVY METALS (ARSENIC, BERYLLIUM, CADMIUM, CHROMIUM, COPPER, LEAD, MERCURY, NICKEL, AND ZINC)

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- H. OPACITY
- I. FLUE GAS TEMPERATURE AT THE INLET TO THE BAGHOUSE DURING DIOXIN/FURAN TEST
- J. LOAD LEVEL (STEAM FLOW OR FEEDWATER FLOW) DURING DIOXIN/FURAN TEST
- K. OXIDES OF NITROGEN (NOX)
- L. OXIDES OF SULFUR (SOX)
- M. CARBON MONOXIDE
- N. FUGITIVE ASH USING EPA METHOD 22

IF THE PERFORMANCE TESTS OF ALL THREE COMBUSTION UNITS DEMONSTRATE THAT DIOXIN/FURAN EMISSIONS ARE LESS THAN OR EQUAL TO 7 ng/DSCM (TOTAL MASS) FOR A 2-YEAR PERIOD, THE OWNER OR OPERATOR MAY ELECT TO CONDUCT ANNUAL PERFORMANCE TEST ON ONLY ONE OF THE THREE UNITS. UNDER THIS ALTERNATIVE TESTING SCHEDULE, A DIFFERENT UNIT SHALL BE TESTED IN SEQUENCE EACH YEAR. IF ANY ANNUAL TEST INDICATES DIOXIN/FURAN EMISSIONS EXCEED 7 ng/DSCM (TOTAL MASS), PERFORMANCE TESTS SHALL BE CONDUCTED ON ALL THREE COMBUSTION UNITS UNTIL SERRF CAN QUALIFY FOR THE ALTERNATIVE TESTING SCHEDULE.

- 22. THE OWNER OR OPERATOR OF SERRF SHALL SUBMIT WRITTEN RESULTS OF THE PERFORMANCE TESTS TO THE AQMD BY FEBRUARY 1 OF EACH YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE TESTS WERE CONDUCTED. THE REPORT SHALL ALSO INCLUDE THE INFORMATION SPECIFIED IN 40 CFR PART 60.59b, AS APPLICABLE.
- 23. ALL RECORDS REQUIRED BY THIS PERMIT OR 40 CFR PART 60.59b, AS APPLICABLE, SHALL BE MAINTAINED AND KEPT ON FILE FOR A PERIOD OF AT LEAST FIVE YEARS AND BE MADE AVAILABLE TO AQMD PERSONNEL UPON REQUEST.
- 24. IN ACCORDANCE WITH AQMD RULE 218, THE SOUTHEAST RESOURCE RECOVERY FACILITY (SERRF) OPERATOR SHALL SUBMIT A MONTHLY SUMMARY OF THE CONCENTRATION AND EMISSION DATA FROM THE CEMS WITHIN 30 DAYS OF THE END OF THE MONTH BEING REPORTED.

This Permit to Operate No. R-D87608 supersedes Permit to Operate No. R-D87608 reissued on 5/19/98.



SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 East Copley Drive, Diamond Bar, CA 91765

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R-D87608
A/N 274832
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NOTICE

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EXECUTIVE OFFICER

Dorris M. Bailey

By Dorris M. Bailey/gl
5/29/98

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This initial permit shall be renewed by ANNUALLY unless the equipment is moved, or changes ownership. If the billing for annual renewal fee (Rule 301.f) is not received by the expiration date, contact the District.

Legal Owner

ID 044577

Or Operator:

LONG BEACH CITY, SERRF PROJECT
120 HENRY FORD AVE
LONG BEACH, CA 90802

Equipment

located at: 120 HENRY FORD AV, LONG BEACH, CA 90802-1039

Equipment Description:

RESOURCE RECOVERY SYSTEM NO. 2 CONSISTING OF:

1. REFUSE RECEIVING HOPPER, CHARGING MUNICIPAL SOLID WASTE FIRED BOILER NO. 2.
2. COMBUSTOR/BOILER NO. 2, MUNICIPAL SOLID WASTE FIRED, L.C. STEINNULLER, WATER WALL TYPE, WITH RECIPROCATING GRATES, TWO NATURAL GAS FIRED AUXILIARY BURNERS WITH A COMBINED RATING OF 2,200,000 SCF/DAY, A MULTI-LEVEL AMMONIA INJECTION SYSTEM, UNDER GRATE PRIMARY COMBUSTION AIR FAN THAT VENTS THE WASTE RECEIVING AND STORAGE SYSTEM, AND OVER FIRE SECONDARY COMBUSTION AIR FAN.
3. BOILER SECTION, WATER TUBE TYPE, CONSISTING OF A SUPERHEATER, ECONOMIZER, TUBULAR STEAM COIL AIR PREHEATER, WITH MECHANICAL AND PNEUMATIC RAPPERS, AND EACH WITH A CAPACITY OF 130,000 POUNDS PER HOUR DAILY AVERAGE OF STEAM AT 660 PSIA AND 752 DEGREES FAHRENHEIT.
4. STEAM TURBINE, IMO DELAVAL, MODEL MJ-MZ-SF, 37,504 KW (COMMON TO RESOURCE RECOVERY SYSTEMS NO. 1 AND 3).
5. GENERATOR, GEC ALSTHOM, MODEL T216-255 (COMMON TO RESOURCE RECOVERY SYSTEMS NO. 1 AND 3).
6. AQUEOUS AMMONIA STORAGE TANK, 24,000 GALLON CAPACITY (COMMON TO RESOURCE RECOVERY SYSTEMS NO. 1 AND 3).

Conditions:

1. OPERATION OF THIS EQUIPMENT SHALL BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
2. THIS EQUIPMENT SHALL BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.

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PERMIT TO OPERATE

CONTINUATION OF PERMIT TO OPERATE

3. THIS EQUIPMENT SHALL BE OPERATED BY PERSONNEL PROPERLY TRAINED IN ITS OPERATION. BY DECEMBER 19, 1998, THE FACILITY SHALL BE IN COMPLIANCE WITH THE APPLICABLE OPERATOR REQUIREMENTS AS SPECIFIED UNDER 40 CFR PART 60.54b.
4. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS IT IS VENTED ONLY TO AIR POLLUTION CONTROL EQUIPMENT WHICH IS IN FULL USE AND HAS BEEN ISSUED A VALID PERMIT BY THE AQMD.
5. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS ALL OF ITS PRIMARY COMBUSTION AIR IS VENTED FROM THE TIPPING HALL AND THE REFUSE PIT OF THE REFUSE RECEIVING AND STORAGE SYSTEM.
6. THIS EQUIPMENT MAY ONLY BE USED TO BURN REFUSE COLLECTED FROM RESIDENTIAL SOURCES, COMMERCIAL SOURCES AND OTHER SOURCES AS APPROVED AND IN A MANNER PRESCRIBED IN WRITING BY THE AQMD. ANY MATERIAL SPECIFICALLY DESIGNATED AS HAZARDOUS MATERIAL OR HAZARDOUS WASTE SHALL NOT BE BURNED UNLESS OTHERWISE APPROVED AND IN A MANNER PRESCRIBED IN WRITING BY THE AQMD.
7. ALL MATERIALS THAT ARE LISTED AS HAZARDOUS BY A FEDERAL OR STATE AGENCY OR APPEAR ON A FEDERAL OR STATE CANDIDATE LIST SHALL BE CONSIDERED "HAZARDOUS MATERIAL" FOR THE PURPOSE OF THIS PERMIT.
8. NATURAL GAS SHALL BE FIRED IN THIS COMBUSTOR ONLY FOR THE SUPPORT OF GOOD COMBUSTION OF REFUSE AND FOR PERIODS OF WARM-UP, START-UP AND SHUTDOWN. NATURAL GAS SHALL NOT BE USED FOR THE SOLE PURPOSE OF GENERATING POWER. DAILY NATURAL GAS CONSUMPTION SHALL BE MEASURED AND RECORDED.
9. FOR THE PURPOSE OF THIS PERMIT, A WARM-UP SHALL BE DEFINED AS THE PERIOD OF TIME FROM WHICH THE NATURAL GAS BURNER IS INITIALLY FIRED TO THE TIME REFUSE IS FIRST INTRODUCED INTO THE FURNACE. NATURAL GAS FIRING MAY CONTINUE UNTIL THE STEAM TURBINE REACHES FULL LOAD.
10. FOR THE PURPOSE OF THIS PERMIT, A START-UP SHALL BE DEFINED AS THE FIRST 3 HOURS AFTER THE COMBUSTOR BEGINS THE CONTINUOUS BURNING OF MUNICIPAL SOLID WASTE.
11. FOR THE PURPOSE OF THIS PERMIT, A SHUTDOWN SHALL BE DEFINED AS THE PERIOD OF TIME STARTING FROM THE CESSATION OF REFUSE CHARGING INTO THE FURNACE UNTIL COMPLETE REFUSE BURNOUT. DURING SHUTDOWN, THE FURNACE SHALL BURN NATURAL GAS UNTIL ALL REFUSE ON THE GRATES HAS BEEN COMBUSTED. THE DURATION OF A SHUTDOWN SHALL NOT EXCEED 3 HOURS PER OCCURRENCE.

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CONTINUATION OF PERMIT TO OPERATE

12. EXCEPT AS PROVIDED BY PART 60.56b, THE APPLICABLE STANDARDS UNDER 40 CFR SUBPARTS Cb AND Eb, SHALL APPLY AT ALL TIMES EXCEPT DURING PERIODS OF WARM-UP, START-UP, SHUTDOWN, OR MALFUNCTION. FOR THE PURPOSE OF COMPLIANCE WITH THIS CONDITION, A MALFUNCTION SHALL ALSO BE LIMITED TO 3 HOURS PER OCCURRENCE.
13. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS THE SELECTIVE NON-CATALYTIC REDUCTION (SNCR) SYSTEM IS IN OPERATION, EXCEPT DURING THE PERIODS OF WARM-UP, SHUTDOWN OR WHEN THE FLUE GAS TEMPERATURE IS LESS THAN 1,200 DEGREES FAHRENHEIT.
14. RESIDUE FROM THE GRATES, BOILER HOPPERS, AND SIFTINGS FROM UNDER THE GRATES SHALL BE DISCHARGED ONLY INTO AN ASH QUENCH TANK.
15. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS LOAD MONITOR AND RECORDER IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b, TO MEASURE AND RECORD STEAM FLOW OR FEEDWATER FLOW RATE TO DETERMINE THAT THE RESOURCE RECOVERY SYSTEM IS NOT OPERATING AT A LOAD LEVEL GREATER THAN 110 PERCENT OF THE MAXIMUM DEMONSTRATED MUNICIPAL WASTE COMBUSTOR UNIT LOAD AS DEFINED IN 40 CFR PART 60.51b EXCEPT AS SPECIFIED UNDER 40 CFR PART 60.53b(b).
16. THE COMBUSTOR/BOILER SHALL BE OPERATED TO PROVIDE A MINIMUM GAS RETENTION TIME OF ONE SECOND AT A TEMPERATURE ABOVE 1,800 DEGREES FAHRENHEIT, AS SHOWN BY A MINIMUM ROOF TEMPERATURE READING OF 1,000 DEGREES FAHRENHEIT, EXCEPT DURING WARM-UP, START-UP AND SHUTDOWN.
17. THE OPERATOR SHALL TAKE STEPS TO MINIMIZE THE COMBUSTION OF TIRES AND OTHER SULFUR BEARING MATERIALS.
18. BY DECEMBER 19, 1998, VISIBLE FUGITIVE ASH EMISSIONS FROM AN ASH CONVEYING SYSTEM SHALL NOT EXCEED 5 PERCENT OF THE OBSERVATION PERIOD WHICH IS DEFINED IN 40 CFR PART 60.58b(k), EXCEPT DURING MAINTENANCE AND REPAIR OF ASH CONVEYING SYSTEMS.
19. ALL RECORDS REQUIRED BY THIS PERMIT OR 40 CFR PART 60.59b, AS APPLICABLE, SHALL BE MAINTAINED AND KEPT ON FILE FOR A PERIOD OF AT LEAST FIVE YEARS AND SHALL BE MADE AVAILABLE TO AQMD PERSONNEL UPON REQUEST.

This Permit to Operate No. R-D87716 supersedes Permit to Operate No. D87716 issued on 1/20/95.

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NOTICE

IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR COPY SHALL BE POSTED ON OR WITHIN 8 METERS OF THE EQUIPMENT.

THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA OR THE RULES OF THE AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES, REGULATIONS OR STATUTES OF OTHER GOVERNMENT AGENCIES.

EXECUTIVE OFFICER

Dorris M. Bailey

By Dorris M. Bailey/gl
5/19/98

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This initial permit shall be renewed by **ANNUALLY** unless the equipment is moved, or changes ownership. If the billing for annual renewal fee (Rule 301.f) is not received by the expiration date, contact the District.

Legal Owner
Or Operator:

LONG BEACH CITY, SERRF PROJECT
120 HENRY FORD AVE
LONG BEACH, CA 90802

ID 044577

Equipment

located at: 120 HENRY FORD AV, LONG BEACH, CA 90802-1039

Equipment Description:

AIR POLLUTION CONTROL SYSTEM NO. 2 CONSISTING OF:

1. ROTARY ATOMIZER NO. 2 WITH CYCLONE INLETS VENTING COMBUSTOR/BOILER NO. 2.
2. SPRAY DRYER TYPE REACTORS WITH CALCIUM HYDROXIDE INJECTION, EACH SERVING ROTARY ATOMIZER NO. 2.
3. BAGHOUSE NO. 2, WITH TEN COMPARTMENTS, CROSS-OVER DUCTING, REVERSE AIR CLEANING, 73,416 SQ. FT. OF FILTER AREA AND A MAXIMUM AIR-TO-CLOTH RATIO OF 2.0 TO 1.0.
4. INDUCED DRAFT FAN NO. 2 VENTING RESOURCE RECOVERY SYSTEM NO. 2.

Conditions:

1. OPERATION OF THIS EQUIPMENT SHALL BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
2. THIS EQUIPMENT SHALL BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.
3. THIS EQUIPMENT SHALL BE OPERATED BY PERSONNEL PROPERLY TRAINED IN ITS OPERATION. BY DECEMBER 19, 1998, THE FACILITY SHALL BE IN COMPLIANCE WITH THE APPLICABLE OPERATOR REQUIREMENTS AS SPECIFIED UNDER 40 CFR PART 60.54b.
4. DUST OR FLYASH COLLECTED IN THE BAGHOUSE COMPARTMENT HOPPERS SHALL BE DISCHARGED ONLY INTO CLOSED CONVEYORS AND SHALL REMAIN IN CLOSED CONVEYORS UNTIL CONDITIONED IN THE ASH CONDITIONER, EXCEPT DURING MAINTENANCE AND REPAIR, DUST OR FLYASH COLLECTED IN THE SPRAY DRYER SHALL BE REMOVED IN AN ENCLOSED SYSTEM.
5. A GAUGE SHALL BE MAINTAINED TO INDICATE, IN INCHES OF WATER PRESSURE,

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THE STATIC PRESSURE DIFFERENTIAL ACROSS THE BAGS.

6. THE VOLUME OF LIME SLURRY SUPPLIED TO THE ATOMIZERS FOR SO₂ CONTROL SHALL BE CONTINUOUSLY MEASURED AND RECORDED.
7. A CONTINUOUS MONITORING SYSTEM TO MONITOR AND RECORD MASS EMISSIONS AND CONCENTRATIONS OF NITROGEN OXIDES (NO_x), OXIDES OF SULFUR (SO_x) AND CARBON MONOXIDE (CO) IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK, SHALL BE MAINTAINED AND OPERATED IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b.
8. A CONTINUOUS OXYGEN MONITOR AND RECORDER, AS APPROVED BY THE AQMD, SHALL BE MAINTAINED AND OPERATED IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MEASURE CONCENTRATIONS OF OXYGEN IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK.
9. A SYSTEM, AS APPROVED BY THE AQMD, SHALL BE OPERATED TO CONVERT AND RECORD THE STACK NITROGEN OXIDES CONCENTRATIONS TO 3% OXYGEN ON A DRY BASIS AND REPORT THE RESULTS IN A MANNER WHICH DEMONSTRATES COMPLIANCE WITH RULE 476.
10. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS OPACITY MONITOR AND RECORDER IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MEASURE OPACITY OF FLUE GAS IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK. THE MEASURED OPACITY SHALL NOT EXCEED 10 PERCENT IN 6-MINUTE AVERAGE.
11. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS TEMPERATURE MONITOR IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MONITOR THE TEMPERATURE OF THE FLUE GAS STREAM AT THE INLET TO EACH PARTICULATE MATTER CONTROL DEVICE FOR THE RESOURCE RECOVERY SYSTEM. THE MONITORED TEMPERATURE SHALL NOT EXCEED 17 DEGREES IN CELSIUS (4-HR BLOCK AVERAGE) ABOVE THE MAXIMUM DEMONSTRATED PARTICULATE MATTER CONTROL DEVICE TEMPERATURE AS DEFINED IN 40 CFR PART 60.51b EXCEPT AS SPECIFIED UNDER 40 CFR PART 60.53b(c).
12. ALL CONTINUOUS EMISSION MONITORS SHALL BE OPERATED IN ACCORDANCE WITH THE REQUIREMENTS AND OPERATING PROCEDURES AS APPROVED BY THE AQMD.
13. CONTROLLED EMISSIONS OF OXIDES OF NITROGEN (NO_x) IN THE AIR POLLUTION CONTROL SYSTEM EXHAUST FROM THIS SYSTEM SHALL NOT EXCEED 225 PPMV (15 MINUTES AVERAGE) AT 3% OXYGEN ON A DRY BASIS.
14. BY DECEMBER 19, 1998, CONTROLLED NO_x EMISSIONS IN THE EXHAUST FROM THE SYSTEM SHALL NOT EXCEED 205 PPMV CORRECTED TO 7% OXYGEN ON A DRY BASIS. WHEN AVERAGING EMISSIONS FROM ALL COMBUSTORS AS ALLOWED IN PART 60.33b(d) OF 40 CFR SUBPART Cb, THE AVERAGED NO_x EMISSIONS SHALL NOT

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EXCEED 180 PPMV CORRECTED TO 7% OXYGEN ON A DRY BASIS (24-HR DAILY ARITHMETIC AVERAGE).

15. CONTROLLED EMISSIONS OF OXIDES OF SULFUR (SOX) FROM THE COMBUSTOR/BOILER SHALL NOT EXCEED THE MORE STRINGENT OF 17 LB/HR OR 70 PPM, DRY COLLECTED TO 12% CO₂ (3 HOUR AVERAGE), AND THE MORE STRINGENT OF 12 LB/HR OR 26 PPM, DRY CORRECTED TO 12% CO₂ (8 HOUR AVERAGE).
16. BY DECEMBER 19, 1998, CONTROLLED EMISSIONS OF THE FOLLOWING POLLUTANTS IN THE EXHAUST FROM THE SYSTEM SHALL NOT EXCEED THE LIMITS SPECIFIED BELOW. THE FOLLOWING LIMITS ARE CORRECTED TO 7% OXYGEN ON A DRY BASIS UNLESS OTHERWISE INDICATED:

OXIDES OF SULFUR (SOX)	29 PPMV OR 75% WT. REDUCTION (24-HR DAILY GEOMETRIC MEAN)
PARTICULATE MATTERS (PM)	27 mg/DSCM
DIOXIN/FURAN	30 ng/DSCM
CADMIUM	0.04 mg/DSCM
LEAD	0.44 mg/DSCM
MERCURY	0.080 mg/DSCM OR 85% WT. REDUCTION
HYDROGEN CHLORIDE	29 PPMV OR 95% WT. REDUCTION

17. BY DECEMBER 19, 2000, CONTROLLED EMISSIONS OF CARBON MONOXIDE (CO) IN THE EXHAUST FROM THE SYSTEM SHALL NOT EXCEED 100 PPMV (4-HR ARITHMETIC AVERAGE) CORRECTED TO 7% OXYGEN ON A DRY BASIS. THE OWNER OR OPERATOR OF SERRF SHALL ADHERE TO THE MEASURABLE AND ENFORCEABLE INCREMENTAL STEPS OF PROGRESS, AS LISTED BELOW, TO ACHIEVE COMPLIANCE WITH THE CONCENTRATION LIMIT OF 100 PPMV:

INCREMENTAL STEPS	DEADLINE
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- | | |
|---|--------------|
| 1. Submit final control plan to SCAQMD | July 1998 |
| 2. Award contract for control system, or process modification, or orders for purchase of components | April 1999 |
| 3. Initiating of on-site construction or installation of the air pollution control devices or process changes | October 1999 |
| 4. Completing on-site construction or installation control device or process changes | April 2000 |
| 5. Final Compliance | Dec 19, 2000 |

18. THE CONTROLLED EMISSIONS IN THE EXHAUST FROM THIS SYSTEM SHALL NOT EXCEED THE FOLLOWING LIMITS:

CONTAMINANT	LB/DAY
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NITROGEN OXIDES	816
PM10	120
SULFUR OXIDES	288
CARBON MONOXIDE	792
REACTIVE ORGANIC GAS	72
HYDROGEN CHLORIDE	204

19. BY DECEMBER 19, 1998, VISIBLE FUGITIVE ASH EMISSIONS FROM AN ASH CONVEYING SYSTEM SHALL NOT EXCEED 5 PERCENT OF THE OBSERVATION PERIOD WHICH IS DEFINED IN 40 CFR PART 60.58b(k). EXCEPT DURING MAINTENANCE AND REPAIR OF ASH CONVEYING SYSTEMS.
20. THE AQMD APPROVED SAMPLING PORTS SHALL BE MAINTAINED IN THE FOLLOWING LOCATIONS:
- A. IN THE DUCT FOLLOWING THE COMBUSTOR/BOILER BUT PRECEDING THE SPRAY DRYER;
 - B. IN THE DUCT FOLLOWING THE SPRAY DRYER BUT PRECEDING THE BAGHOUSE;
 - C. IN THE EXHAUST STACK;
 - D. IN THE COMBUSTION AIR INLET DUCT BETWEEN THE INTAKE AND THE COMBUSTOR.
21. THE OWNER OR OPERATOR OF SOUTHEAST RESOURCE RECOVERY FACILITY (SERRF) SHALL CONDUCT PERFORMANCE TESTS ON AN ANNUAL BASIS IN ACCORDANCE WITH THE AQMD TEST PROCEDURES AND 40 CFR PART 60.58b. WRITTEN NOTICE OF SUCH PERFORMANCE TESTS SHALL BE PROVIDED TO THE AQMD SEVEN (7) DAYS PRIOR TO THE TEST SO THAN AN OBSERVER MAY BE PRESENT.

THE PERFORMANCE TESTS SHALL INCLUDE, BUT MAY NOT BE LIMITED TO, A TEST OF ONE OF THE THREE COMBUSTOR/BOILER EXHAUST STREAMS FOLLOWING THE BAGHOUSE UNLESS OTHERWISE REQUESTED BELOW FOR THE FOLLOWING POLLUTANTS:

- A. HYDROCARBONS
- B. PARTICULATE MATTER
- C. HYDROGEN CHLORIDE
- D. EXHAUST FLOW RATE, WET AND DRY
- E. POLYNUCLEAR AROMATIC HYDROCARBONS (BENZO-A-PYRENE, BENZO-E-PYRENE, BENZO-A-ANTHRACENE AND CORONENE).
- F. TETRA- THROUGH OCTA-CHLORINATED DIBENZO-P-DIOXINS AND DIBENZOFURANS
- G. HEAVY METALS (ARSENIC, BERYLLIUM, CADMIUM, CHROMIUM, COPPER, LEAD, MERCURY, NICKEL, AND ZINC)

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- H. OPACITY
- I. FLUE GAS TEMPERATURE AT THE INLET TO THE BAGHOUSE DURING DIOXIN/FURAN TEST
- J. LOAD LEVEL (STEAM FLOW OR FEEDWATER FLOW) DURING DIOXIN/FURAN TEST
- K. OXIDES OF NITROGEN (NOX)
- L. OXIDES OF SULFUR (SOX)
- M. CARBON MONOXIDE
- N. FUGITIVE ASH USING EPA METHOD 22

IF THE PERFORMANCE TESTS OF ALL THREE COMBUSTION UNITS DEMONSTRATE THAT DIOXIN/FURAN EMISSIONS ARE LESS THAN OR EQUAL TO 7 ng/DSCM (TOTAL MASS) FOR A 2-YEAR PERIOD, THE OWNER OR OPERATOR MAY ELECT TO CONDUCT ANNUAL PERFORMANCE TEST ON ONLY ONE OF THE THREE UNITS. UNDER THIS ALTERNATIVE TESTING SCHEDULE, A DIFFERENT UNIT SHALL BE TESTED IN SEQUENCE EACH YEAR. IF ANY ANNUAL TEST INDICATES DIOXIN/FURAN EMISSIONS EXCEED 7 ng/DSCM (TOTAL MASS), PERFORMANCE TESTS SHALL BE CONDUCTED ON ALL THREE COMBUSTION UNITS UNTIL SERRF CAN QUALIFY FOR THE ALTERNATIVE TESTING SCHEDULE.

- 22. THE OWNER OR OPERATOR OF SERRF SHALL SUBMIT WRITTEN RESULTS OF THE PERFORMANCE TESTS TO THE AQMD BY FEBRUARY 1 OF EACH YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE TESTS WERE CONDUCTED. THE REPORT SHALL ALSO INCLUDE THE INFORMATION SPECIFIED IN 40 CFR PART 60.59b, AS APPLICABLE.
- 23. ALL RECORDS REQUIRED BY THIS PERMIT OR 40 CFR PART 60.59b, AS APPLICABLE, SHALL BE MAINTAINED AND KEPT ON FILE FOR A PERIOD OF AT LEAST FIVE YEARS AND BE MADE AVAILABLE TO AQMD PERSONNEL UPON REQUEST.
- 24. IN ACCORDANCE WITH AQMD RULE 218, THE SOUTHEAST RESOURCE RECOVERY FACILITY (SERRF) OPERATOR SHALL SUBMIT A MONTHLY SUMMARY OF THE CONCENTRATION AND EMISSION DATA FROM THE CEMS WITHIN 30 DAYS OF THE END OF THE MONTH BEING REPORTED.

This Permit to Operate No. R-D87609 supersedes Permit to Operate No. R-D87609 reissued on 5/19/95.

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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 East Copley Drive, Diamond Bar, CA 91765

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Permit No.
R-D87609
A/N 274833
Page 6

CONTINUATION OF PERMIT TO OPERATE

NOTICE

IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR COPY SHALL BE POSTED ON OR WITHIN 8 METERS OF THE EQUIPMENT.

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EXECUTIVE OFFICER

Dorris M. Bailey

By Dorris M. Bailey/gl
5/29/98

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AQMD

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 East Copley Drive, Diamond Bar, CA 91765

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Permit No.
R-D87717
A/N 274838
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This initial permit shall be renewed by **ANNUALLY** unless the equipment is moved, or changes ownership. If the billing for annual renewal fee (Rule 301.f) is not received by the expiration date, contact the District.

Legal Owner
Or Operator:

LONG BEACH CITY, SERRF PROJECT
120 HENRY FORD AVE
LONG BEACH, CA 90802

ID 044577

Equipment

located at: 120 HENRY FORD AV, LONG BEACH, CA 90802-1039

Equipment Description:

RESOURCE RECOVERY SYSTEM NO. 3 CONSISTING OF:

1. REFUSE RECEIVING HOPPER, CHARGING MUNICIPAL SOLID WASTE FIRED BOILER NO. 3.
2. COMBUSTOR/BOILER NO. 3, MUNICIPAL SOLID WASTE FIRED, L.C. STEINNULLER, WATER WALL TYPE, WITH RECIPROCATING GRATES, TWO NATURAL GAS FIRED AUXILIARY BURNERS WITH A COMBINED RATING OF 2,200,000 SCF/DAY, A MULTI-LEVEL AMMONIA INJECTION SYSTEM, UNDER GRATE PRIMARY COMBUSTION AIR FAN THAT VENTS THE WASTE RECEIVING AND STORAGE SYSTEM, AND OVER FIRE SECONDARY COMBUSTION AIR FAN.
3. BOILER SECTION, WATER TUBE TYPE, CONSISTING OF A SUPERHEATER, ECONOMIZER, TUBULAR STEAM COIL AIR PREHEATER, WITH MECHANICAL AND PNEUMATIC RAPPERS, AND EACH WITH A CAPACITY OF 130,000 POUNDS PER HOUR DAILY AVERAGE OF STEAM AT 660 PSIA AND 752 DEGREES FAHRENHEIT.
4. STEAM TURBINE, IMO DELAVAL, MODEL MJ-MZ-SF, 37,504 KW (COMMON TO RESOURCE RECOVERY SYSTEMS NO. 1 AND 2).
5. GENERATOR, GEC ALSTHOM, MODEL T216-255 (COMMON TO RESOURCE RECOVERY SYSTEMS NO. 1 AND 2).
6. AQUEOUS AMMONIA STORAGE TANK, 24,000 GALLON CAPACITY (COMMON TO RESOURCE RECOVERY SYSTEMS NO. 1 AND 2).

Conditions:

1. OPERATION OF THIS EQUIPMENT SHALL BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
2. THIS EQUIPMENT SHALL BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.

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3. THIS EQUIPMENT SHALL BE OPERATED BY PERSONNEL PROPERLY TRAINED IN ITS OPERATION. BY DECEMBER 19, 1998, THE FACILITY SHALL BE IN COMPLIANCE WITH THE APPLICABLE OPERATOR REQUIREMENTS AS SPECIFIED UNDER 40 CFR PART 60.54b.
4. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS IT IS VENTED ONLY TO AIR POLLUTION CONTROL EQUIPMENT WHICH IS IN FULL USE AND HAS BEEN ISSUED A VALID PERMIT BY THE AQMD.
5. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS ALL OF ITS PRIMARY COMBUSTION AIR IS VENTED FROM THE TIPPING HALL AND THE REFUSE PIT OF THE REFUSE RECEIVING AND STORAGE SYSTEM.
6. THIS EQUIPMENT MAY ONLY BE USED TO BURN REFUSE COLLECTED FROM RESIDENTIAL SOURCES, COMMERCIAL SOURCES AND OTHER SOURCES AS APPROVED AND IN A MANNER PRESCRIBED IN WRITING BY THE AQMD. ANY MATERIAL SPECIFICALLY DESIGNATED AS HAZARDOUS MATERIAL OR HAZARDOUS WASTE SHALL NOT BE BURNED UNLESS OTHERWISE APPROVED AND IN A MANNER PRESCRIBED IN WRITING BY THE AQMD.
7. ALL MATERIALS THAT ARE LISTED AS HAZARDOUS BY A FEDERAL OR STATE AGENCY OR APPEAR ON A FEDERAL OR STATE CANDIDATE LIST SHALL BE CONSIDERED "HAZARDOUS MATERIAL" FOR THE PURPOSE OF THIS PERMIT.
8. NATURAL GAS SHALL BE FIRED IN THIS COMBUSTOR ONLY FOR THE SUPPORT OF GOOD COMBUSTION OF REFUSE AND FOR PERIODS OF WARM-UP, START-UP AND SHUTDOWN. NATURAL GAS SHALL NOT BE USED FOR THE SOLE PURPOSE OF GENERATING POWER. DAILY NATURAL GAS CONSUMPTION SHALL BE MEASURED AND RECORDED.
9. FOR THE PURPOSE OF THIS PERMIT, A WARM-UP SHALL BE DEFINED AS THE PERIOD OF TIME FROM WHICH THE NATURAL GAS BURNER IS INITIALLY FIRED TO THE TIME REFUSE IS FIRST INTRODUCED INTO THE FURNACE. NATURAL GAS FIRING MAY CONTINUE UNTIL THE STEAM TURBINE REACHES FULL LOAD.
10. FOR THE PURPOSE OF THIS PERMIT, A START-UP SHALL BE DEFINED AS THE FIRST 3 HOURS AFTER THE COMBUSTOR BEGINS THE CONTINUOUS BURNING OF MUNICIPAL SOLID WASTE.
11. FOR THE PURPOSE OF THIS PERMIT, A SHUTDOWN SHALL BE DEFINED AS THE PERIOD OF TIME STARTING FROM THE CESSATION OF REFUSE CHARGING INTO THE FURNACE UNTIL COMPLETE REFUSE BURNOUT. DURING SHUTDOWN, THE FURNACE SHALL BURN NATURAL GAS UNTIL ALL REFUSE ON THE GRATES HAS BEEN COMBUSTED. THE DURATION OF A SHUTDOWN SHALL NOT EXCEED 3 HOURS PER OCCURRENCE.

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12. EXCEPT AS PROVIDED BY PART 60.56b, THE APPLICABLE STANDARDS UNDER 40 CFR SUBPARTS Cb AND Eb, SHALL APPLY AT ALL TIMES EXCEPT DURING PERIODS OF WARM-UP, START-UP, SHUTDOWN, OR MALFUNCTION. FOR THE PURPOSE OF COMPLIANCE WITH THIS CONDITION, A MALFUNCTION SHALL ALSO BE LIMITED TO 3 HOURS PER OCCURRENCE.
13. THE COMBUSTOR/BOILER EQUIPMENT SHALL NOT BE OPERATED UNLESS THE SELECTIVE NON-CATALYTIC REDUCTION (SNCR) SYSTEM IS IN OPERATION, EXCEPT DURING THE PERIODS OF WARM-UP, SHUTDOWN OR WHEN THE FLUE GAS TEMPERATURE IS LESS THAN 1,200 DEGREES FAHRENHEIT.
14. RESIDUE FROM THE GRATES, BOILER HOPPERS, AND SIFTINGS FROM UNDER THE GRATES SHALL BE DISCHARGED ONLY INTO AN ASH QUENCH TANK.
15. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS LOAD MONITOR AND RECORDER IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b, TO MEASURE AND RECORD STEAM FLOW OR FEEDWATER FLOW RATE TO DETERMINE THAT THE RESOURCE RECOVERY SYSTEM IS NOT OPERATING AT A LOAD LEVEL GREATER THAN 110 PERCENT OF THE MAXIMUM DEMONSTRATED MUNICIPAL WASTE COMBUSTOR UNIT LOAD AS DEFINED IN 40 CFR PART 60.51b EXCEPT AS SPECIFIED UNDER 40 CFR PART 60.53b(b).
16. THE COMBUSTOR/BOILER SHALL BE OPERATED TO PROVIDE A MINIMUM GAS RETENTION TIME OF ONE SECOND AT A TEMPERATURE ABOVE 1,800 DEGREES FAHRENHEIT, AS SHOWN BY A MINIMUM ROOF TEMPERATURE READING OF 1,000 DEGREES FAHRENHEIT, EXCEPT DURING WARM-UP, START-UP AND SHUTDOWN.
17. THE OPERATOR SHALL TAKE STEPS TO MINIMIZE THE COMBUSTION OF TIRES AND OTHER SULFUR BEARING MATERIALS.
18. BY DECEMBER 19, 1998, VISIBLE FUGITIVE ASH EMISSIONS FROM AN ASH CONVEYING SYSTEM SHALL NOT EXCEED 5 PERCENT OF THE OBSERVATION PERIOD WHICH IS DEFINED IN 40 CFR PART 60.58b(k), EXCEPT DURING MAINTENANCE AND REPAIR OF ASH CONVEYING SYSTEMS.
19. ALL RECORDS REQUIRED BY THIS PERMIT OR 40 CFR PART 60.59b, AS APPLICABLE, SHALL BE MAINTAINED AND KEPT ON FILE FOR A PERIOD OF AT LEAST FIVE YEARS AND SHALL BE MADE AVAILABLE TO AQMD PERSONNEL UPON REQUEST.

This Permit to Operate No. R-D87717 supersedes Permit to Operate No. D87717 issued on 1/20/95.

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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 East Copley Drive, Diamond Bar, CA 91765

PERMIT TO OPERATE

Permit No.
R-D87717
A/N 274838
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CONTINUATION OF PERMIT TO OPERATE

NOTICE

IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR COPY SHALL BE POSTED ON OR WITHIN 8 METERS OF THE EQUIPMENT.

THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA OR THE RULES OF THE AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES, REGULATIONS OR STATUTES OF OTHER GOVERNMENT AGENCIES.

EXECUTIVE OFFICER

Dorris M. Bailey

By Dorris M. Bailey/gl
5/19/98

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This initial permit shall be renewed by ANNUALLY unless the equipment is moved, or changes ownership. If the billing for annual renewal fee (Rule 301.f) is not received by the expiration date, contact the District.

Legal Owner

Or Operator:

LONG BEACH CITY, SERRF PROJECT
120 HENRY FORD AVE
LONG BEACH, CA 90802

ID 044577

Equipment

located at: 120 HENRY FORD AV, LONG BEACH, CA 90802-1039

Equipment Description:

AIR POLLUTION CONTROL SYSTEM NO. 3 CONSISTING OF:

1. ROTARY ATOMIZER NO. 3 WITH CYCLONE INLETS VENTING COMBUSTOR/BOILER NO. 3.
2. SPRAY DRYER TYPE REACTORS WITH CALCIUM HYDROXIDE INJECTION, EACH SERVING ROTARY ATOMIZER NO. 3.
3. BAGHOUSE NO. 3, WITH TEN COMPARTMENTS, CROSS-OVER DUCTING, REVERSE AIR CLEANING, 73,416 SQ. FT. OF FILTER AREA AND A MAXIMUM AIR-TO-CLOTH RATIO OF 2.0 TO 1.0.
4. INDUCED DRAFT FAN NO. 3 VENTING RESOURCE RECOVERY SYSTEM NO. 3.

Conditions:

1. OPERATION OF THIS EQUIPMENT SHALL BE CONDUCTED IN COMPLIANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THE APPLICATION UNDER WHICH THIS PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
2. THIS EQUIPMENT SHALL BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.
3. THIS EQUIPMENT SHALL BE OPERATED BY PERSONNEL PROPERLY TRAINED IN ITS OPERATION. BY DECEMBER 19, 1998, THE FACILITY SHALL BE IN COMPLIANCE WITH THE APPLICABLE OPERATOR REQUIREMENTS AS SPECIFIED UNDER 40 CFR PART 60.54b.
4. DUST OR FLYASH COLLECTED IN THE BAGHOUSE COMPARTMENT HOPPERS SHALL BE DISCHARGED ONLY INTO CLOSED CONVEYORS AND SHALL REMAIN IN CLOSED CONVEYORS UNTIL CONDITIONED IN THE ASH CONDITIONER, EXCEPT DURING MAINTENANCE AND REPAIR, DUST OR FLYASH COLLECTED IN THE SPRAY DRYER SHALL BE REMOVED IN AN ENCLOSED SYSTEM.
5. A GAUGE SHALL BE MAINTAINED TO INDICATE, IN INCHES OF WATER PRESSURE,

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THE STATIC PRESSURE DIFFERENTIAL ACROSS THE BAGS.

6. THE VOLUME OF LIME SLURRY SUPPLIED TO THE ATOMIZERS FOR SO₂ CONTROL SHALL BE CONTINUOUSLY MEASURED AND RECORDED.
7. A CONTINUOUS MONITORING SYSTEM TO MONITOR AND RECORD MASS EMISSIONS AND CONCENTRATIONS OF NITROGEN OXIDES (NO_x), OXIDES OF SULFUR (SO_x) AND CARBON MONOXIDE (CO) IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK, SHALL BE MAINTAINED AND OPERATED IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b.
8. A CONTINUOUS OXYGEN MONITOR AND RECORDER, AS APPROVED BY THE AQMD, SHALL BE MAINTAINED AND OPERATED IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MEASURE CONCENTRATIONS OF OXYGEN IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK.
9. A SYSTEM, AS APPROVED BY THE AQMD, SHALL BE OPERATED TO CONVERT AND RECORD THE STACK NITROGEN OXIDES CONCENTRATIONS TO 3% OXYGEN ON A DRY BASIS AND REPORT THE RESULTS IN A MANNER WHICH DEMONSTRATES COMPLIANCE WITH RULE 476.
10. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS OPACITY MONITOR AND RECORDER IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MEASURE OPACITY OF FLUE GAS IN THE EXHAUST OF THE COMBUSTOR/BOILER STACK. THE MEASURED OPACITY SHALL NOT EXCEED 10 PERCENT IN 6-MINUTE AVERAGE.
11. BY DECEMBER 19, 1998, THE OWNER OR OPERATOR SHALL INSTALL, MAINTAIN AND OPERATE A CONTINUOUS TEMPERATURE MONITOR IN A MANNER PRESCRIBED IN 40 CFR PART 60.58b TO MONITOR THE TEMPERATURE OF THE FLUE GAS STREAM AT THE INLET TO EACH PARTICULATE MATTER CONTROL DEVICE FOR THE RESOURCE RECOVERY SYSTEM. THE MONITORED TEMPERATURE SHALL NOT EXCEED 17 DEGREES IN CELSIUS (4-HR BLOCK AVERAGE) ABOVE THE MAXIMUM DEMONSTRATED PARTICULATE MATTER CONTROL DEVICE TEMPERATURE AS DEFINED IN 40 CFR PART 60.51b EXCEPT AS SPECIFIED UNDER 40 CFR PART 60.53b(c).
12. ALL CONTINUOUS EMISSION MONITORS SHALL BE OPERATED IN ACCORDANCE WITH THE REQUIREMENTS AND OPERATING PROCEDURES AS APPROVED BY THE AQMD.
13. CONTROLLED EMISSIONS OF OXIDES OF NITROGEN (NO_x) IN THE AIR POLLUTION CONTROL SYSTEM EXHAUST FROM THIS SYSTEM SHALL NOT EXCEED 225 PPMV (15 MINUTES AVERAGE) AT 3% OXYGEN ON A DRY BASIS.
14. BY DECEMBER 19, 1998, CONTROLLED NO_x EMISSIONS IN THE EXHAUST FROM THE SYSTEM SHALL NOT EXCEED 205 PPMV CORRECTED TO 7% OXYGEN ON A DRY BASIS. WHEN AVERAGING EMISSIONS FROM ALL COMBUSTORS AS ALLOWED IN PART 60.33b(d) OF 40 CFR SUBPART Cb, THE AVERAGED NO_x EMISSIONS SHALL NOT

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EXCEED 180 PPMV CORRECTED TO 7% OXYGEN ON A DRY BASIS (24-HR DAILY ARITHMETIC AVERAGE).

15. CONTROLLED EMISSIONS OF OXIDES OF SULFUR (SOX) FROM THE COMBUSTOR/BOILER SHALL NOT EXCEED THE MORE STRINGENT OF 17 LB/HR OR 70 PPM, DRY COLLECTED TO 12% CO₂ (3 HOUR AVERAGE), AND THE MORE STRINGENT OF 12 LB/HR OR 26 PPM, DRY CORRECTED TO 12% CO₂ (8 HOUR AVERAGE).

16. BY DECEMBER 19, 1998, CONTROLLED EMISSIONS OF THE FOLLOWING POLLUTANTS IN THE EXHAUST FROM THE SYSTEM SHALL NOT EXCEED THE LIMITS SPECIFIED BELOW. THE FOLLOWING LIMITS ARE CORRECTED TO 7% OXYGEN ON A DRY BASIS UNLESS OTHERWISE INDICATED:

OXIDES OF SULFUR (SOX)	29 PPMV OR 75% WT. REDUCTION (24-HR DAILY GEOMETRIC MEAN)
PARTICULATE MATTERS (PM)	27 mg/DSCM
DIOXIN/FURAN	30 ng/DSCM
CADMIUM	0.04 mg/DSCM
LEAD	0.44 mg/DSCM
MERCURY	0.080 mg/DSCM OR 85% WT. REDUCTION
HYDROGEN CHLORIDE	29 PPMV OR 95% WT. REDUCTION

17. BY DECEMBER 19, 2000, CONTROLLED EMISSIONS OF CARBON MONOXIDE (CO) IN THE EXHAUST FROM THE SYSTEM SHALL NOT EXCEED 100 PPMV (4-HR ARITHMETIC AVERAGE) CORRECTED TO 7% OXYGEN ON A DRY BASIS. THE OWNER OR OPERATOR OF SERRF SHALL ADHERE TO THE MEASURABLE AND ENFORCEABLE INCREMENTAL STEPS OF PROGRESS, AS LISTED BELOW, TO ACHIEVE COMPLIANCE WITH THE CONCENTRATION LIMIT OF 100 PPMV:

INCREMENTAL STEPS	DEADLINE
1. Submit final control plan to SCAQMD	July 1998
2. Award contract for control system, or process modification, or orders for purchase of components	April 1999
3. Initiating of on-site construction or installation of the air pollution control devices or process changes	October 1999
4. Completing on-site construction or installation control device or process changes	April 2000
5. Final Compliance	Dec 19, 2000

18. THE CONTROLLED EMISSIONS IN THE EXHAUST FROM THIS SYSTEM SHALL NOT EXCEED THE FOLLOWING LIMITS:

CONTAMINANT	LB/DAY
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NITROGEN OXIDES	816
PM10	120
SULFUR OXIDES	288
CARBON MONOXIDE	792
REACTIVE ORGANIC GAS	72
HYDROGEN CHLORIDE	204

19. BY DECEMBER 19, 1998, VISIBLE FUGITIVE ASH EMISSIONS FROM AN ASH CONVEYING SYSTEM SHALL NOT EXCEED 5 PERCENT OF THE OBSERVATION PERIOD WHICH IS DEFINED IN 40 CFR PART 60.58b(k), EXCEPT DURING MAINTENANCE AND REPAIR OF ASH CONVEYING SYSTEMS.
20. THE AQMD APPROVED SAMPLING PORTS SHALL BE MAINTAINED IN THE FOLLOWING LOCATIONS:
- A. IN THE DUCT FOLLOWING THE COMBUSTOR/BOILER BUT PRECEDING THE SPRAY DRYER;
 - B. IN THE DUCT FOLLOWING THE SPRAY DRYER BUT PRECEDING THE BAGHOUSE;
 - C. IN THE EXHAUST STACK;
 - D. IN THE COMBUSTION AIR INLET DUCT BETWEEN THE INTAKE AND THE COMBUSTOR.
21. THE OWNER OR OPERATOR OF SOUTHEAST RESOURCE RECOVERY FACILITY (SERRF) SHALL CONDUCT PERFORMANCE TESTS ON AN ANNUAL BASIS IN ACCORDANCE WITH THE AQMD TEST PROCEDURES AND 40 CFR PART 60.58b. WRITTEN NOTICE OF SUCH PERFORMANCE TESTS SHALL BE PROVIDED TO THE AQMD SEVEN (7) DAYS PRIOR TO THE TEST SO THAT AN OBSERVER MAY BE PRESENT.

THE PERFORMANCE TESTS SHALL INCLUDE, BUT MAY NOT BE LIMITED TO, A TEST OF ONE OF THE THREE COMBUSTOR/BOILER EXHAUST STREAMS FOLLOWING THE BAGHOUSE UNLESS OTHERWISE REQUESTED BELOW FOR THE FOLLOWING POLLUTANTS:

- A. HYDROCARBONS
- B. PARTICULATE MATTER
- C. HYDROGEN CHLORIDE
- D. EXHAUST FLOW RATE, WET AND DRY
- E. POLYNUCLEAR AROMATIC HYDROCARBONS (BENZO-A-PYRENE, BENZO-E-PYRENE, BENZO-A-ANTHRACENE AND CORONENE).
- F. TETRA- THROUGH OCTA-CHLORINATED DIBENZO-P-DIOXINS AND DIBENZOFURANS
- G. HEAVY METALS (ARSENIC, BERYLLIUM, CADMIUM, CHROMIUM, COPPER, LEAD, MERCURY, NICKEL, AND ZINC)

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- H. OPACITY
- I. FLUE GAS TEMPERATURE AT THE INLET TO THE BAGHOUSE DURING DIOXIN/FURAN TEST
- J. LOAD LEVEL (STEAM FLOW OR FEEDWATER FLOW) DURING DIOXIN/FURAN TEST
- K. OXIDES OF NITROGEN (NOX)
- L. OXIDES OF SULFUR (SOX)
- M. CARBON MONOXIDE
- N. FUGITIVE ASH USING EPA METHOD 22

IF THE PERFORMANCE TESTS OF ALL THREE COMBUSTION UNITS DEMONSTRATE THAT DIOXIN/FURAN EMISSIONS ARE LESS THAN OR EQUAL TO 7 ng/DSCM (TOTAL MASS) FOR A 2-YEAR PERIOD, THE OWNER OR OPERATOR MAY ELECT TO CONDUCT ANNUAL PERFORMANCE TEST ON ONLY ONE OF THE THREE UNITS. UNDER THIS ALTERNATIVE TESTING SCHEDULE, A DIFFERENT UNIT SHALL BE TESTED IN SEQUENCE EACH YEAR. IF ANY ANNUAL TEST INDICATES DIOXIN/FURAN EMISSIONS EXCEED 7 ng/DSCM (TOTAL MASS), PERFORMANCE TESTS SHALL BE CONDUCTED ON ALL THREE COMBUSTION UNITS UNTIL SERRF CAN QUALIFY FOR THE ALTERNATIVE TESTING SCHEDULE.

- 22. THE OWNER OR OPERATOR OF SERRF SHALL SUBMIT WRITTEN RESULTS OF THE PERFORMANCE TESTS TO THE AQMD BY FEBRUARY 1 OF EACH YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE TESTS WERE CONDUCTED. THE REPORT SHALL ALSO INCLUDE THE INFORMATION SPECIFIED IN 40 CFR PART 60.59b, AS APPLICABLE.
- 23. ALL RECORDS REQUIRED BY THIS PERMIT OR 40 CFR PART 60.59b, AS APPLICABLE, SHALL BE MAINTAINED AND KEPT ON FILE FOR A PERIOD OF AT LEAST FIVE YEARS AND BE MADE AVAILABLE TO AQMD PERSONNEL UPON REQUEST.
- 24. IN ACCORDANCE WITH AQMD RULE 218, THE SOUTHEAST RESOURCE RECOVERY FACILITY (SERRF) OPERATOR SHALL SUBMIT A MONTHLY SUMMARY OF THE CONCENTRATION AND EMISSION DATA FROM THE CEMS WITHIN 30 DAYS OF THE END OF THE MONTH BEING REPORTED.

This Permit to Operate No. R-D87610 supersedes Permit to Operate No. R-D87610 reissued on 5/19/98.



SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 East Copley Drive, Diamond Bar, CA 91765

PERMIT TO OPERATE

Permit No.
R-D87610
A/N 274834
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NOTICE

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EXECUTIVE OFFICER

Dorris M. Bailey

By Dorris M. Bailey/gl
5/29/98

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ATTACHMENT C

**CALIFORNIA MUNICIPAL WASTE COMBUSTOR
FACILITY AND EMISSION INVENTORIES**

Table C-1. California MWC Facility Inventory

District	Facility Name	Facility Address	Control Equipment^{1,2}	Permit Capacity	Startup Date
South Coast AQMD	<i>Southeast Resource Recovery Facility (SERRF)</i> owner: Joint Powers Authority ³ operator: Montenay Pacific Power Corporation	120 Henry Ford Avenue Long Beach, CA 90802 (Los Angeles County)	NH ₃ Injection Lime SD/FF	1380 tpd 3 units (460 tpd ea.)	1988
	<i>Commerce Refuse to Energy Authority (CREA)</i> owner: Los Angeles County Sanitation District (LACSD)/City of Commerce operator: LACSD	5926 Sheila Street Commerce, CA 90040 (Los Angeles County)	NH ₃ Injection Lime SD/FF	400 tpd 1 unit	1987
San Joaquin Valley Unified APCD	<i>Stanislaus County Resource Recovery Facility (Stanislaus)</i> owner: Ogden-Martin Systems (OMSS) operator: OMSS	4040 Fink Road PO Box 278 Crows Landing, CA 95313 (Stanislaus County)	NH ₃ Injection Lime SD/FF	800 tpd 2 units (400 tpd ea.)	1988

1. NH₃ means ammonia; SD/FF means spray dryer/fabric filter.
2. All units at each facility have the same type of air pollution control equipment.
3. The Joint Powers Authority consists of the Los Angeles County Sanitation District (LACSD) and the City of Long Beach

Table C-2. California MWC Emission Rates

Pollutant	Reporting Units ¹	SERRF ²			CREA ³	Stanislaus ⁴		USEPA EG
		Unit 1	Unit 2	Unit 3		Unit 1	Unit 2	
Nitrogen Oxides (NO _x)	ppmv	80	81	78	88	140	146	205
Carbon Monoxide (CO)	ppmv	76	55	93	65	12	18	100
Particulate Matter (PM)	grains/dscf	0.0036	0.0036	0.0036	0.011	0.0058	0.0068	0.012
Sulfur Dioxide (SO ₂)	ppmv	0.5	1.5	3.2	7.1	5	9	29
Hydrochloric Acid (HCl)	ppmv	2.4	2.4	2.4	13	2	2	29
Dioxins/Furans	ng/dscm	0.1	0.1	0.1	8.3	25	25	30
Lead (Pb)	mg/dscm	7.02E-05	3.7E-03	1.27E-03	2.1E-03	3.68E-05	3.68E-05	4.4E-01
Cadmium (Cd)	mg/dscm	<1.1E-04	<1.1E-04	<1.1E-04	<1.0E-04	4.46E-04	4.46E-04	4.0E-02
Mercury (Hg)	mg/dscm	7.1E-03	1.8E-02	6.0E-03	<1.7E-03	1.35E-01	1.66E-01	8.0E-02

1. Emissions corrected to 7% O₂, unless otherwise noted; ppmv means parts per million by volume; dscf means dry standard cubic feet; ng means nanogram; mg means milligram; dscm means dry standard cubic meter; all numbers have been rounded.

2. SERRF emissions from July 1997 source test (CEMS and stack sampling).

3. CREA emissions from November 1997 source test (CEMS and stack sampling).

4. Stanislaus emissions from May 1997 source test (CEMS and stack sampling). Emissions have been corrected to 12% CO₂.

Table C-3. California MWC Annual Emissions Inventory¹

Pollutant	SERRF [tons per year]			CREA [tons per year]		Stanislaus ³ [tons per year]	
	Unit 1	Unit 2	Unit 3	Unit 1	Unit 2	Unit 1	Unit 2
				USEPA EG ²	USEPA EG ²	USEPA EG ²	USEPA EG ²
Nitrogen Oxides (NO _x)	104	105	102	267	262	159	165
Carbon Monoxide (CO)	60	44	74	79	78	8.3	12
Particulate Matter (PM)	5.5	5.5	5.5	19	18	7.9	9.2
Sulfur Dioxide (SO ₂)	0.9	2.7	5.8	53	51	7.9	14
Hydrochloric Acid (HCl)	2.5	2.5	2.5	30	29	1.8	1.8
Dioxins/Furans	6.8E-08	6.8E-08	6.8E-08	2.0E-05	2.0E-05	1.5E-05	1.5E-05
Lead (Pb)	4.8E-05	2.5E-03	8.2E-04	3.0E-01	2.9E-01	2.2E-03	2.2E-03
Cadmium (Cd)	7.5E-05	7.5E-05	7.5E-05	2.7E-02	2.7E-02	2.6E-04	2.6E-04
Mercury (Hg)	4.7E-03	1.2E-02	4.1E-03	5.5E-02	5.3E-02	8.0E-02	9.9E-02

1. Data used to calculate annual emissions is taken from Table C-2. Annual emission calculations are based on the emission rates presented in Table C-1 and are a function of the total amount of MSW processed each year. For comparison purposes, it is assumed that each unit operates at its total physical capacity and for 365 days each year. All numbers have been rounded.

2. U.S. EPA guideline emissions based on source process rates for comparison purposes.

3. Data corrected to 12% CO₂ (per source test reports).

**Table C-4. Summary of Current Emissions from California MWCs
Compared to U.S. EPA Guideline Emissions¹**

Pollutant	California MWC Emissions		U.S. EPA Guideline Emissions	
	[tons/yr]	[Mg/yr]	[tons/yr]	[Mg/yr]
Nitrogen Oxides (NO _x)	735	668	1498	1362
Carbon Monoxide (CO)	243	221	445	404
Particulate Matter (PM)	48	44	105	96
Sulfur Dioxide (SO ₂)	43	39	295	268
Hydrochloric Acid (HCl)	23	21	168	153
Dioxins/Furans	3.5E-05	3.2E-05	1.15E-04	1.04E-04
Lead (Pb)	0.0089	0.0081	1.6823	1.5293
Cadmium (Cd)	8.1E-04	7.4E-04	1.534E-01	1.39E-01
Mercury (Hg)	0.20	0.18	0.31	0.28

1. Values are total maximum emissions from all affected facilities based on an 365 day per year operating schedule and have been rounded.

ATTACHMENT D
PUBLIC PARTICIPATION

San Joaquin Valley Unified Air Pollution Control District

**NOTICE OF PUBLIC HEARING
ADOPTION OF A STATE PLAN
TO IMPLEMENT FEDERAL EMISSION
GUIDELINES FOR LARGE MUNICIPAL
WASTE COMBUSTORS.**

NOTICE IS HEREBY GIVEN that a public hearing will be held on April 16, 1998 at 10:00 am, or as soon thereafter as may be heard, at 1999 Tuolumne Street, Fresno, California. At said hearing, the Governing Board of the San Joaquin Valley Unified Air Pollution Control District will consider adoption of one part of a California State Plan to comply with the requirements of the Federal Emissions Guidelines for Large Municipal Waste Combustors.

The part of the State Plan to be considered at this hearing applies to the Ogdan Martin Systems municipal waste combustion facility located at 4040 Fink Road in Crows Landing. The Permit to Operate for this facility will be submitted to implement the requirements of title 40, Code of Federal Regulations (CFR), Part 60, as amended, Subpart CB (Emissions Guidelines for Large Municipal Waste Combustion Units). The partial plan includes identification of legal authority, the Permit to Operate for the Ogdan Martin Systems facility, an emission inventory, emission limits, compliance schedules, public hearing requirements, reporting and record keeping requirements, and requirements for annual progress reports. If adopted by the District governing Board, the partial plan will be transmitted to the California Air Resources Board, combined with other partial plans that apply to facilities in other California air districts, and submitted to the U.S. Environmental Protection Agency to satisfy the plan submittal requirements of the Federal Emission Guidelines.

NOTICE IS FURTHER GIVEN that interested persons desiring to be heard or present evidence on this matter may appear at said hearing. Interested persons may view the proposed rules at the District Northern Region office which is located at 4230 Kiernan Avenue, Suite 130, in Modesto, CA. Further information and copies of the partial plan may be obtained by contacting Chris Valverde at (209) 545-7000, or by FAXing a request to Mr. Valverde at (209) 545-8652. Written comments should be addressed to Seyed Sadredin, SJVUAPCD, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721.

March 16, 1998



COPY

San Joaquin Valley

Unified Air Pollution Control District

Governing Board:

Tony Barba

Chair
Supervisor, Kings County

Kenni Friedman

Vice Chair
Councilmember, City of Modesto

Tom Perch

Supervisor, Fresno County

Barbara Patrick

Supervisor, Kern County

Gail Hanhart McIntyre

Supervisor, Madera County

Jerry O'Banion

Supervisor, Merced County

Robert J. Cabral

Supervisor, San Joaquin County

Dennis Lujan

Councilmember, City of Selma

Nick W. Blom

Supervisor, Stanislaus County

William Sanders

Supervisor, Tulare County

Claude Retherford

Mayor, City of Tulare

David L. Crow

*Executive Director/
Air Pollution*

Control Officer

1999 Tuolumne Street, Suite #200
Fresno, CA 93721
(209) 497-1000
Fax (209) 233-2057

Northern Region

4230 Kiernan Avenue, Suite #130
Modesto, CA 95356
(209) 545-7000
Fax (209) 545-8652

Central Region

1999 Tuolumne Street, Suite #200
Fresno, CA 93721
(209) 497-1000
Fax (209) 233-2057

Southern Region

2700 M Street, Suite #275
Bakersfield, CA 93301
(805) 862-5200
Fax (805) 862-5201

GOVERNING BOARD AGENDA

THURSDAY

April 16, 1998

10:00 A.M.

Central Region Office

First Floor Meeting Room

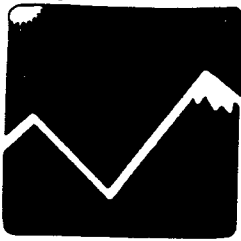
1999 Tuolumne Street, Fresno

- Notes: A. The meeting of the San Joaquin Valleywide Air Pollution Study Agency WILL NOT be held immediately prior to this meeting.
- B. Please provide 15 copies of any information intended for use at Governing Board Meetings to the Clerk to the Board prior to the meeting.
- C. The Governing Board relies on the credibility of witnesses and the veracity of testimony on matters brought before this Board for action.
- D. If you are providing testimony and/or attending the meeting please put your name on the Sign In Sheet located at the entrance door.
1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF CONSENT CALENDAR Items Number (16-25).
(These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any consent item.)
 4. PUBLIC COMMENT This time is made available for comments from the public on matters within the Board's jurisdiction that are not on the Agenda. It is requested that no comments be made during this period on items on the Agenda. The public may make comments on each Board Agenda Item during the time allowed for public comment. Attention is called to the fact that the Board is prohibited by law from taking any action on matters discussed that are not on the Agenda.
 5. REPORT FROM CITIZENS ADVISORY COMMITTEE

6. APPROVE RECOMMENDATION OF THE PHASE V - 1997 REMOVE PROGRAM EVALUATION COMMITTEE FOR MOTOR VEHICLE EMISSION REDUCTIONS TO FUND 44 PROJECTS FOR \$5,309,952
7. APPROVE BUDGET RESOLUTION WHICH ALLOCATES \$1,240,048 OF DMV SURCHARGE FEE REVENUE TO THE HEAVY-DUTY MOTOR VEHICLE EMISSION REDUCTION INCENTIVE PROGRAM
8. PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4354 (GLASS MELTING FURNACES) - Recommend adopting amendments to establish Best Available Retrofit Control Technology (BARCT) requirements for NOx emissions from flat glass, fiberglass and container glass melting furnaces, pursuant to the 1994 Ozone Attainment Demonstration Plan.
9. PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4642 (SOLID WASTE DISPOSAL SITES) - Recommend adopting amendments to exempt landfills subject to the federal Emission Guidelines for municipal solid waste landfills.
10. PUBLIC HEARING: APPROVE SUBMITTAL OF DISTRICT PERMIT TO OPERATE N-2073-1-2 (OGDEN MARTIN SYSTEMS FACILITY, STANISLAUS) TO THE CALIFORNIA AIR RESOURCES BOARD AS PART OF THE STATE PLAN TO IMPLEMENT 40 CFR 60, SUBPART CB
11. APPROVE PURCHASE OF VALLEY CHILDREN'S PROFESSIONAL CENTER TO HOUSE DISTRICT'S CENTRAL REGION OFFICE
12. VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (CARB) BOARD MEETING - Report from Governing Board Member Supervisor Barbara Patrick regarding the March, 1998 CARB Board Meeting.
13. EXECUTIVE DIRECTOR/APCO COMMENTS
14. GOVERNING BOARD MEMBER COMMENTS
15. CLOSED SESSION - (NONE)

OTHER BUSINESS

ADJOURN



San Joaquin Valley Unified Air Pollution Control District

Governing Board:

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Councilmember, City of Modesto

Tom Perch

Supervisor, Fresno County

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Nick W. Blom

Supervisor, Stanislaus County

William Sanders

Supervisor, Tulare County

Claude Retherford

Mayor, City of Tulare

David L. Crow

**Executive Director/
Air Pollution
Control Officer**
1999 Tuolumne Street, Suite #200
Fresno, CA 93721
(209) 497-1000
Fax: (209) 233-2057

Northern Region

4230 Kiernan Avenue, Suite #130
Modesto, CA 95356
(209) 545-7000
Fax: (209) 545-8652

Central Region

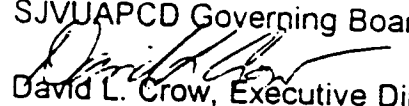
1999 Tuolumne Street, Suite #200
Fresno, CA 93721
(209) 497-1000
Fax: (209) 233-2057

Southern Region

2790 M Street, Suite #275
Bakersfield, CA 93301
(805) 862-5200
Fax: (805) 862-5201

DATE: April 16, 1998

TO: SJVUAPCD Governing Board

FROM: 
David L. Crow, Executive Director/APCO
Project Coordinator: Seyed Sadredin

RE: APPROVE SUBMITTAL OF DISTRICT PERMIT TO
OPERATE N-2073-1-2 TO THE CALIFORNIA AIR
RESOURCES BOARD AS PART OF THE STATE PLAN
TO IMPLEMENT 40 CFR 60, SUBPART CB

RECOMMENDATION:

Authorize the Executive Director/APCO to submit District Permit to Operate N-2073-1-2 for the Ogden Martin Systems facility to the California Air Resources Board for inclusion in the California State Plan to implement Title 40 Code of Federal Regulations (CFR), Part 60, Subpart Cb (Emission Guidelines and Compliance Schedules for Municipal Waste Combustors). See attached resolution.

BACKGROUND:

Sections 111(d) and 129 of the Federal Clean Air Act (FCAA), as amended in 1990, required the United States Environmental Protection Agency (U.S. EPA) to develop and adopt performance standards and emission guidelines for new and existing Municipal Waste Combustor (MWC) units. The FCAA requires that the emission standards be based upon the maximum achievable control technology (MACT) for the specified criteria air contaminants and hazardous air contaminants which are typically emitted from MWC units.

On December 19, 1995 the U.S. EPA promulgated regulations for large and small MWC units, thus implementing Sections 111(d) and 129 of the FCAA. The regulations included Emission Guidelines (Guidelines) which pertain to existing MWC units that were constructed on or before September 20, 1994 and combust more than 250 tons per day of

April 16, 1998

municipal solid waste. These Guidelines, however, are not self implementing and require each state to develop a mechanism for enforcing their requirements as a part of a "State Plan" to the U.S. EPA in accordance with 40 CFR 60, Subpart B (Adoption and Submittal of State Plans for Designated Facilities). The State Plan must identify how the affected facilities within the state will comply with the federal requirements outlined in the Guidelines. To obtain U.S. EPA approval, the State Plan must contain enforceable requirements that are deemed to be at least as protective as those specified in the Guidelines.

The Guidelines establish emission limitations for oxides of nitrogen, carbon monoxide, sulfur dioxide, particulate matter, dioxins and furans, cadmium, lead, mercury and hydrochloric acid. Requirements for stack opacity and fugitive emission control on ash handling are also included. There are requirements for operator training and certification. Shift supervisors and facility operators must be certified through the American Society of Mechanical Engineers (ASME) or an equivalent state program. In addition, there are enhanced monitoring and recordkeeping requirements, including submission of semi-annual and annual reports.

There are only three (3) active MWC facilities in the State of California which were constructed before September 20, 1994 and combust more than 250 tons of municipal solid waste per day. Two are located in the South Coast Air Quality Management District and the third is the Ogden Martin Systems (Ogden) facility located at 4040 Fink Road in Stanislaus County, approximately five miles south of the City of Patterson and one mile west of Interstate 5. Ogden Martin Systems operates two (2) parallel MWC units, each capable of combusting up to 400 tons per day of municipal solid waste. The Ogden facility is prohibited from combusting any type of hazardous material or hazardous waste.

Federal regulations require that the public be provided the opportunity to comment on any proposed State Plan. A notice advising the public of this hearing was placed in the Modesto Bee on March 16, 1998, thus commencing a 30 day period for review of the draft State Plan and solicitation of comments.

DISCUSSION:

Normally, the District adopts a rule meeting the federal requirements, as the enforcement vehicle for inclusion in a State Plan. However, in this case, the facility's Permit to Operate will be submitted in lieu of a rule for the following reasons:

- 1) There is only one facility that is affected by the federal regulation. Therefore, a lengthy and labor intensive rule making process is not warranted.

April 16, 1998

- 2) Using the facility's local permit allows for compliance with the federal requirements while offering the source maximum flexibility.
- 3) The facility already complies with most of the substantive requirements under the Federal Guidelines. Only minor amendments to the existing permit were necessary to comply with the Federal requirements as specified in the Guidelines.
- 4) The California State Attorney General has certified that the local districts have the authority to modify existing operating permits to incorporate the requirements set forth in the Guidelines.

The original Authority to Construct for Ogden facility was issued by the District in August 1986 and the facility began combusting municipal solid waste in September 1988. The initial permit application was subject to a comprehensive review, including compliance with the Best Available Control Technology (BACT) and offset requirements of the district's New Source Review Rule. Consequently, the facility was designed and built with several highly effective control technologies in order to satisfy BACT requirements. A thermal de-NO_x system utilizing ammonia injection reduces oxides of nitrogen emissions by 80 percent. Dry lime scrubbers and lime slurry injection reduce sulfur dioxide emissions by 80 percent. A multi-compartment baghouse reduces particulate matter emissions by 99 percent. Additionally, the combustion zone was designed to maintain the combustion gases at a minimum of 1,800 degrees F for at least one second, thus ensuring that volatile organic compound emissions are reduced by at least 98 percent. The high combustion zone temperature is also very effective in controlling the emissions of carbon monoxide and hazardous organic compounds such as dioxins and furans.

The original application review also included a comprehensive health risk assessment (HRA) to determine if there could be a significant health impact to any persons residing or working in the vicinity. The HRA addressed the potential health effects from exposure to conservatively estimated quantities of 14 heavy metals such as cadmium, chromium, lead and mercury, as well as hazardous organic compounds such as dioxins and furans, polychlorinated biphenyls (PCBs) and polycyclic aromatic hydrocarbons (PAHs). Based upon this analysis, the health impact over the 70-year life of a hypothetical maximally exposed individual was determined to be less than significant.

The local permits contain adequate provisions for compliance verification which meet or exceed Federal requirements. Continuous emission monitoring systems are used to demonstrate ongoing compliance with oxides of nitrogen, carbon monoxide, sulfur dioxide and opacity emission limitations. Annual source testing is required for volatile organic compounds, particulate matter, dioxins and furans, PAHs, PCBs and heavy metals. All source test results are compared to the maximum emission concentrations

April 16, 1998

specified on the Permit to Operate and in the HRA to ensure that there is no increase in the calculated health risk.

Due to the use of highly effective control technologies which were approved as BACT in 1986, the current permitted emission limitations for the Ogden Martin Systems facility are already below all of the emission limitations specified in the Guidelines, with the exception of carbon monoxide and mercury. Although the current permit limitation for carbon monoxide is 400 parts per million by volume, the actual carbon monoxide emission rate at the facility is below the 100 parts per million by volume level specified in the Guidelines. The actual mercury emission rate exceeds the level specified in the Guidelines and thus the facility is required to retrofit with additional control equipment to reduce mercury emissions either to 0.080 milligrams per dry standard cubic meter or achieve a minimum removal efficiency of 85%, whichever is less stringent. The existing permit was modified to require compliance with the reduced mercury emission limitation on or before December 19, 2000. The local permit includes specific increments of progress for the design, approval and installation of any additional control equipment necessary to achieve compliance with all new emission limitations on the permit.

The U.S. EPA has six (6) months to review and approve or disapprove a State Plan. If the Federal Plan is promulgated prior to State Plan approval, the Ogden Martin Systems facility will be subject to compliance with the Federal Plan. However, this is considered to be an interim action because the Federal Plan contains provisions to exempt any MWC unit once it is covered by an approved State Plan.

FISCAL IMPACT

No fiscal impact to the District is expected as a result of this action.

Attachments:

Adoption Resolution (3 pages)

Permit to Operate N-2073-1-2 issued to Ogden Martin Systems (9 pages)

Notice of Public Hearing (1 page)

California State Plan for Municipal Waste Combustors (DRAFT) (48 pages)

BEFORE THE GOVERNING BOARD OF THE
SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

IN THE MATTER OF:

RESOLUTION NO. 98-04-12

APPROVE SUBMITTAL OF DISTRICT
PERMIT TO OPERATE N-2073-1-2 TO
THE CALIFORNIA AIR RESOURCES
BOARD AS PART OF THE STATE PLAN
TO IMPLEMENT 40 CFR 60, SUBPART
CB

RECEIVED

APR 20 1998

SAN JOAQUIN VALLEY
UNIFIED A.P.C.D.
NO. REGION

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District ("District") is a duly constituted unified air pollution control district, as provided in California Health and Safety Code sections 40150 to 40161;

WHEREAS, Sections 111(d) and 129 of the Federal Clean Air Act (FCAA), as amended in 1990, required the United States Environmental Protection Agency (U.S. EPA) to develop and adopt performance standards and emission guidelines for new and existing Municipal Waste Combustor (MWC) units;

WHEREAS, On December 19, 1995, the U.S. EPA as required by Sections 111(d) and 129 of the FCAA promulgated Emission Guidelines (Guidelines) which pertain to existing MWC units that were constructed on or before September 20, 1994 and combust more than 250 tons per day of municipal solid waste.

WHEREAS, the Guidelines are not self implementing and require each state to develop a mechanism for enforcing their requirements as a part of a "State Plan" to the U.S. EPA in accordance with 40 CFR 60, Subpart B (Adoption and Submittal of State Plans for Designated Facilities);

WHEREAS, the District is committed to comply with the requirements of the FCAAA;

WHEREAS, the District has the authority to modify existing operating permits to incorporate the requirements set forth in the Guidelines;

1 **WHEREAS**, the Ogden Martin Systems MWC facility located at 4040 Fink
2 Road in Stanislaus County is subject to the Guidelines;

3 **WHEREAS**, the Permit to Operate for Ogden Martin Systems MWC
4 facility contains adequate conditions to assure compliance with all applicable
5 requirements;

6 **WHEREAS**, the State Plan must be approved by the District and then
7 submitted to the Air Resources Board ("ARB") for subsequent state transmittal to the
8 USEPA; and

9 **WHEREAS**, a public hearing for the adoption of the Plan was duly
10 noticed and held on April 16, 1998;

11 **WHEREAS**, this Board concurs with the recommendations of its staff;

12 **NOW, THEREFORE**, be it resolved as follows:

13 1. The Governing Board hereby Authorizes the Executive
14 Director/APCO to submit District Permit to Operate N-2073-1-2 for the Ogden Martin
15 Systems facility to the California Air Resources Board for inclusion in the California
16 State Plan to implement Title 40 Code of Federal Regulations (CFR), Part 60,
17 Subpart Cb (Emission Guidelines and Compliance Schedules for Municipal Waste
18 Combustors). A copy of said Permit to Operate is attached hereto and incorporated
19 herein as Exhibit "A."

20 2. The Governing Board hereby finds, based on the evidence and
21 information presented at the hearing upon which its decision is based, all notices
22 required to be given by law have been duly given in accordance with Health and
23 Safety Code section 40725, and the Board has allowed public testimony in
24 accordance with Health and Safety Code section 40726.

25 3. The Governing Board of the District requests that the ARB
26 authorize its Executive Officer to District Permit to Operate N-2073-1-2, in the State
27 Plan for submittal to the USEPA.

28 ///

1 THE FOREGOING was passed and adopted by the following vote of the
2 Governing Board of the San Joaquin Valley Unified Air Pollution Control District this
3 16th day of April, 1998, to wit:

4 AYES: Boardmembers: Sanders, Lujan, Hanhart McIntyre,
5 O'Banion, Blom, Cabral, Friedman and Barba.

6 NOES: None.

7
8 ABSENT: Boardmembers: Patrick, Retherford and Perch.

9
10 SAN JOAQUIN VALLEY UNIFIED
11 AIR POLLUTION CONTROL DISTRICT

12 By Tony Barba
13 Tony Barba, Chair
14 Governing Board

15 ATTEST:
16 Clerk to the Governing Board

17 By Sissy Smith
18 Sissy Smith

19 reso.doc
20
21
22
23
24
25
26
27
28

South Coast Air Quality Management District



South Coast Air Quality Management District

21865 E. Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • <http://www.aqmd.gov>

April 10, 1998

Richard Boyd
Air Resources Engineer
California Air Resources Board
2020 L Street
Sacramento, CA 95812

Subject: Public Response Regarding the Proposed Public Hearing Notice for Adoption of a State Plan to Implement the Code of Federal Regulations Emission Guidelines for Large Municipal Waste Combustion Units

Dear Mr. Boyd:

On February 19, 1998 the AQMD noticed in five local newspapers throughout the District an opportunity to hold a public hearing on Thursday March 26, 1998 as part of a proposed State Plan to implement the Code of Federal Regulations Emissions Guidelines for large municipal waste combustion units, provided that there was public interest in holding a hearing.

Notice was given that anyone interested in attending this public hearing should provide a written request to the AQMD on or before Thursday March 19, 1998. Notice was also given that anyone interested in providing written comment should do so on or before Thursday March 19, 1998.

This letter is to inform you that the AQMD received no written requests indicating interest in attending a public hearing; the AQMD received no written comments regarding the proposed public hearing; and the AQMD received no comments, written or verbal, regarding the adoption of the State Plan to implement the Code of Federal Regulations Emission Guidelines for large municipal waste combustion units.

If you have any questions please call me at (909) 396-2684.

Sincerely,

A handwritten signature in cursive script that reads "Charles Tupac".

Charles Tupac
Senior Air Quality Engineer
Public Facilities Unit

CDT:RL

\\MSW\Letter\rboyd

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Long Beach Press-Telegram, a newspaper of general circulation, printed and published 7 times each week in the City of Long Beach, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of March 21, 1934.

Case Number 370512; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Feb. 19,

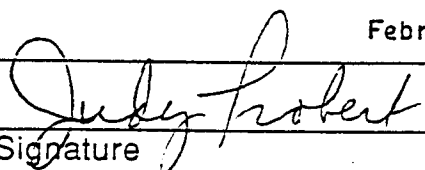
all in the year 19 98.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Long Beach, California, this _____

_____ 19th _____ day of

February, 19 98

Signature 

Press-Telegram

- Legal Advertising Department
604 Pine Avenue, Long Beach, CA 90844
(213) 499-1236

This space is for the County Clerk's Filing Stamp

Proof of Publication of CNS1569436

Notice of Opportunity for a Public

Hearing Display (Legal) Main News

**NOTICE OF OPPORTUNITY FOR A PUBLIC HEARING
PROPOSED ADOPTION OF PART OF A STATE PLAN TO IMPLEMENT
THE CODE OF FEDERAL REGULATIONS EMISSION GUIDELINES
FOR LARGE MUNICIPAL WASTE COMBUSTION UNITS**

NOTICE IS HEREBY GIVEN that, if the public so requests, a public hearing on the adoption of part of a California State Plan for Municipal Waste Combustors to implement Federal emission guidelines for municipal waste combustors will be held at 9:00 AM on Thursday, March 26, 1998, at the South Coast Air Quality Management District (AQMD), 21865 E. Copley Drive, Diamond Bar, California, at which time evidence will be taken and all interested persons will be heard. If a hearing is held, interested persons may attend and submit oral or written statements at the hearing.

NOTICE IS FURTHER GIVEN that anyone interested in attending this public hearing must provide a written request on or before Thursday, March 19, 1998. If there is no written request for a public hearing the public hearing will not be held. Written notice or any written comments should be sent to the attention of Charles Tupac, Senior Air Quality Engineer, South Coast Air Quality Management District, P.O. Box 4937, Diamond Bar, CA 91765-0937, (Fax No.: 909-396-3341; email address: ctupac@aqmd.gov). Written comments must be received by March 19, 1998.

NOTICE IS FURTHER GIVEN that the State Plan is necessary to comply with the requirements of Title 40, Code of Federal Regulations (CFR), Part 60, as amended Subpart Cb - Emission Guidelines for Large Municipal Waste Combustion Units. The amendment affects the applicability of the guidelines and standards, and adds supplemental emission limits for four pollutants (hydrogen chloride, sulfur dioxide, nitrogen oxides, and lead) to the guidelines.

NOTICE IS FURTHER GIVEN that the subject part of the State Plan applies to the following two municipal waste combustion facilities which exist in the AQMD and are affected by this amendment: Commerce Refuse to Energy Authority, located at 5926 Sheila Street, Commerce; and Long Beach City SERRF Project, located at 120 Henry Ford Avenue, Long Beach. The permits to operate for these two facilities are being revised to comply with the requirements of the 40CFR Part 60, Subpart Cb.

NOTICE IS FURTHER GIVEN that the California Air Resources Board and AQMD have prepared the subject part of the State Plan to include the following elements: identification of legal authority; identification of mechanisms for implementation (i.e., revised draft permits to operate for the Commerce Refuse to Energy Authority and for the Long Beach City SERRF Project); inventory of affected facilities; emission inventory; emission limits; compliance schedules; public hearing requirements; reporting and record keeping requirements; and annual progress reports. The above documents are available for review at the AQMD's Public Information Center or may be obtained by contacting Ronald Lem, Air Quality Engineer, South Coast Air Quality Management District, P.O. Box 4937, Diamond Bar, CA 91765-0937, (909) 396-2654.

California Newspaper Service Bureau

A Division of the Daily Journal Corporation

Public Notice Advertising Since 1934

Offices in Los Angeles, Sacramento, San Francisco, and Santa Ana

DECLARATION

I am a resident of Los Angeles County, over the age of
eighteen years and not a party to or interested in the matter
noticed.

The notice, of which the annexed is a printed copy
appeared in the:

RIVERSIDE PRESS ENTERPRISE

on the following dates:

FEBRUARY 19, 1998

I certify (or declare) under penalty of perjury that the foregoing
is true and correct.

Dated at Los Angeles, California, this

23RD day of **MARCH**, 19 **98**

Signature

CNS 1569551

*"The only Public Notice which is justifiable
from the standpoint of true economy and the public interest,
is that which reaches those who are affected by it."*

NOTICE OF OPPORTUNITY FOR A PUBLIC HEARING PROPOSED ADOPTION OF PART OF A STATE PLAN TO IMPLEMENT THE CODE OF FEDERAL REGULATIONS EMISSION GUIDELINES FOR LARGE MUNICIPAL WASTE COMBUSTION UNITS

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NOTICE IS FURTHER GIVEN that anyone interested in attending this public hearing must provide a written request on or before Thursday, March 19, 1998. If there is no written request for a public hearing the public hearing will not be held. Written notice or any written comments should be sent to the attention of Charles Tupac, Senior Air Quality Engineer, South Coast Air Quality Management District, P.O. Box 4937, Diamond Bar, CA 91765-0937 (Fax No.: 909-396-3341; email address: ctupac@aqmd.gov). Written comments must be received by March 19, 1998.

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NOTICE IS FURTHER GIVEN that the subject part of the State Plan applies to the following two municipal waste combustion facilities which exist in the AQMD and are affected by this amendment: Commerce Refuse to Energy Authority, located at 5926 Sheila Street, Commerce; and Long Beach City SERRF Project, located at 120 Henry Ford Avenue, Long Beach. The Permits to Operate for these two facilities are being revised to comply with the requirements of the 40CFR Part 60, Subpart Cb.

NOTICE IS FURTHER GIVEN that the California Air Resources Board and AQMD have prepared the subject part of the State Plan to include the following elements: identification of legal authority, identification of mechanisms for implementation (i.e., revised draft permits to operate for the Commerce Refuse to Energy Authority and for the Long Beach City, SERRF Project), inventory of affected facilities, emission inventory, emission limits, compliance schedules, public hearing requirements, reporting and record keeping requirements, and annual progress reports. The above documents are available for review at the AQMD'S Public Information Center, or may be obtained by contacting Ronald Lem, Air Quality Engineer, South Coast Air Quality Management District, P.O. Box 4937, Diamond Bar, CA 91765-0937 (909) 396-2654.

California Newspaper Service Bureau
A Daily Journal Company
Established 1934
1-800-788-7840

Offices in Los Angeles, Sacramento, San Francisco, and Santa Ana

DECLARATION

I am a resident of Los Angeles County, over the age of
eighteen years and not a party to or interested in the matter
noticed.

The notice, of which the annexed is a printed copy
appeared in the:

SUN (SAN BERNARDINO)

on the following dates:-

February 19, 1998

I certify (or declare) under penalty of perjury that the foregoing

is true and correct.

Dated at Los Angeles, California, this

18th day of Mar., 19 98

Debbie Ryer

Signature

CNS1569552

"The only Public Notice which is justifiable
from the standpoint of true economy and the public interest,
is that which reaches those who are affected by it."

NOTICE OF OPPORTUNITY FOR A PUBLIC HEARING
PROPOSED ADOPTION OF PART OF A STATE PLAN TO IMPLEMENT
THE CODE OF FEDERAL REGULATIONS EMISSION GUIDELINES
FOR LARGE MUNICIPAL WASTE COMBUSTION UNITS

NOTICE IS HEREBY GIVEN that, if the public so requests, a public hearing will be held for the adoption of part of a California State Plan for Municipal Waste Combustion Units to implement Federal emission guidelines for municipal waste combustors will be held on Thursday, March 26, 1998 at the South Coast Air Quality Management District (AQMD), 21635 E. Copley Drive, Diamond Bar, California, at 9:00 AM. Evidence will be taken and all interested persons will be heard. If a hearing is requested, interested persons may attend and submit oral or written statements at the hearing.

NOTICE IS FURTHER GIVEN that anyone interested in attending the hearing must provide a written request on or before Thursday, March 19, 1998. If there is no written request for a public hearing the public hearing will not be held. Written notice or any written comments should be sent to the attention of: Tupa; Senior Air Quality Engineer, South Coast Air Quality Management District, Box 4937, Diamond Bar, CA 91765-0937 (Fax No.: 909-396-3341; email: ctupa@aqmd.gov). Written comments must be received by March 19, 1998.

NOTICE IS FURTHER GIVEN that the State Plan is necessary to comply with the requirements of Title 40, Code of Federal Regulations (CFR), Part 60, as amended, Subpart Cb - Emission Guidelines for Large Municipal Waste Combustion Units. This amendment affects the applicability of the guidelines and standards, and supplemental emission limits for four pollutants (hydrogen chloride, sulfur dioxide, nitrogen oxides, and lead) to the guidelines.

NOTICE IS FURTHER GIVEN that the subject part of the State Plan applies to the following two municipal waste combustion facilities which exist in the AQMD: Commerce Refuse to Energy Authority, located at 1100 Sheila Street, Commerce; and Long Beach City SERRF Project, located at 1100 Ford Avenue, Long Beach. The Permits to Operate for these two facilities are being revised to comply with the requirements of the 40CFR Part 60, Subpart Cb.

NOTICE IS FURTHER GIVEN that the California Air Resources Board (CARB) and the AQMD have prepared the subject part of the State Plan to include the following elements: identification of legal authority, identification of mechanical and electrical equipment, revised draft permits to operate for the Commerce Refuse to Energy Authority and for the Long Beach City SERRF Project, inventory of facilities, emission inventory, emission limits, compliance schedules, public participation requirements, reporting and record keeping requirements, and annual progress reports. The above documents are available for review at the AQMD's Public Information Center, or may be obtained by contacting Ronald Lem, Air Quality Engineer, South Coast Air Quality Management District, P.O. Box 4937, Diamond Bar, CA 91765 (909) 396-2654.

PROOF OF PUBLICATION
(2015.5 C.C.P.)

This space is for the County Clerk's Filing Stamp

STATE OF CALIFORNIA,
County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the

Daily News

a newspaper of general circulation, printed and published 7 times weekly in the Cities of Los Angeles, Burbank & San Fernando, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of May 26, 1983, Case Number Adjudication #C349217; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Feb 19

all in the year 19 98

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Woodland Hills,

California, this 19 day of Feb, 19 98

Karen Keap

Signature

Proof of Publication of

CN51569447

Paste Clipping
of Notice
SECURELY
In This Space

NOTICE OF OPPORTUNITY FOR A PUBLIC HEARING
PROPOSED ADOPTION OF PART OF A STATE PLAN TO IMPLEMENT
THE CODE OF FEDERAL REGULATIONS EMISSION GUIDELINES
FOR LARGE MUNICIPAL WASTE COMBUSTION UNITS

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The Orange County Register

STATE OF CALIFORNIA
County of Orange

I am a citizen of the United States; I am over the age of eighteen years; I am not a party to or interested in the notice published. I am a Legal Advertising Clerk of the Publisher of the ORANGE COUNTY REGISTER, a newspaper of general circulation, printed and published daily in the City of Santa Ana, County of Orange. The ORANGE COUNTY REGISTER has been adjudged a newspaper of general circulation by the Superior Court of the County of ORANGE, State of California, under the date of November 29, 1905, Case Number A21046. The notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

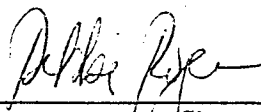
February 19,

all in the year 19 98

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated, this

23rd day of February, 19 98



Signature

CNS 1569549

California Newspaper Service Bureau
1-800-788-7840

Offices in Los Angeles, Sacramento, San Francisco, and Santa Ana

**NOTICE OF OPPORTUNITY FOR A PUBLIC HEARING
PROPOSED ADOPTION OF PART OF A STATE PLAN TO IMPLEMENT
THE CODE OF FEDERAL REGULATIONS EMISSION GUIDELINES
FOR LARGE MUNICIPAL WASTE COMBUSTION UNITS**

NOTICE IS HEREBY GIVEN that, if the public so requests, a public hearing on the adoption of part of a California State Plan for Municipal Waste Combustors to implement Federal emission guidelines for municipal waste combustors will be held at 9:00 AM on Thursday, March 26, 1998 at the South Coast Air Quality Management District (AQMD), 21865 E. Copley Drive, Diamond Bar, California, at which time evidence will be taken and all interested persons will be heard. If a hearing is held, interested persons may attend and submit oral or written statements at the hearing.

NOTICE IS FURTHER GIVEN that anyone interested in attending this public hearing must provide a written request on or before Thursday, March 19, 1998. If there is no written request for a public hearing the public hearing will not be held. Written notice or any written comments should be sent to the attention of Charles Tupac, Senior Air Quality Engineer, South Coast Air Quality Management District, P.O. Box 4937, Diamond Bar, CA 91765-0937 (Fax No.: 909-396-3341; email address: ctupac@aqmd.gov). Written comments must be received by March 19, 1998.

NOTICE IS FURTHER GIVEN that the State Plan is necessary to comply with the requirements of Title 40, Code of Federal Regulations (CFR), Part 60, as amended Subpart Cb - Emission Guidelines for Large Municipal Waste Combustion Units. The amendment affects the applicability of the guidelines and standards, and adds supplemental emission limits for four pollutants (hydrogen chloride, sulfur dioxide, nitrogen oxides, and lead) to the guidelines.

NOTICE IS FURTHER GIVEN that the subject part of the State Plan applies to the following two municipal waste combustion facilities which exist in the AQMD and are affected by this amendment: Commerce Refuse to Energy Authority, located at 5926 Sheila Street, Commerce; and Long Beach City SERRF Project, located at 120 Henry Ford Avenue, Long Beach. The Permits to Operate for these two facilities are being revised to comply with the requirements of the 40CFR Part 60, Subpart Cb.

NOTICE IS FURTHER GIVEN that the California Air Resources Board and AQMD have prepared the subject part of the State Plan to include the following elements: identification of legal authority, identification of mechanisms for implementation (i.e., revised draft permits to operate for the Commerce Refuse to Energy Authority and for the Long Beach City, SERRF Project), inventory of affected facilities, emission inventory, emission limits, compliance schedules, public hearing requirements, reporting and record keeping requirements, and annual progress reports. The above documents are available for review at the AQMD'S Public Information Center, or may be obtained by contacting Ronald Lem, Air Quality Engineer, South Coast Air Quality Management District, P.O. Box 4937, Diamond Bar, CA 91765-0937 (909) 396-2654.

158873

ATTACHMENT E

**DEMONSTRATION OF EQUIVALENCY BETWEEN
STANDARDIZATION TO 12% CO₂ VS 7% O₂**

OGDEN MARTIN SYSTEMS OF STANISLAUS

Development of the State 111(d) Plan: Proposed Permit to Operate No. 2073-1 (PTO) Conditions Incorporation of the MACT Standards under 40 CFR Part 60 Subpart Cb

Objective: To establish the relationship between Oxygen (O₂) and Carbon Monoxide (CO₂) levels in the flue gas of each combustion unit exhaust of the Ogden Martin System of Stanislaus facility located in Crows Landing, California.

Background: The diluent correction factor is basically a multiplication factor that “converts” measured or “raw” pollutant readings to “corrected” or standardized levels. The diluent gas may be O₂ or CO₂. This multiplication factor uses a ratio of the desired standard diluent percent to the measured or actual diluent in the flue gas. The diluent correction factors for 7% O₂ and 12% CO₂ are presented below.

$$\text{Correction Factor for 7\% O}_2: \frac{20.9\% \text{ O}_2 - 7\% \text{ O}_2}{20.9\% \text{ O}_2 - \% \text{ O}_2 \text{ (measured)}} \quad \text{40 CFR 60 eq. 20-4}$$

$$\text{Correction Factor for 12\% CO}_2: \frac{12\% \text{ CO}_2}{\% \text{ CO}_2 \text{ (measured)}} \quad \text{40 CFR 60 eq. 20-5}$$

The current Permit to Operate issued by the SJVUAPCD and the Prevention of Significant Deterioration Permit issued by US EPA Region IX requires that all emission levels are corrected using the 12% CO₂ diluent correction factor to demonstrate compliance with the emission limits. As allowed by 40 CFR 60 Subpart Eb 60.58b, referenced by 40 CFR 60 Subpart Cb 60.38b, the relationship between O₂ and CO₂ can be established during a performance (annual compliance) test. The facility requests to maintain the 12% CO₂ diluent correction factor in the existing permit and in the State 111(d) Plan, therefore, retaining the use of the existing CO₂ continuous monitoring system and maintaining consistency with all operating permit and local regulations and rules.

Relationship: Using the source test data from July 1996 and May 1997, the following O₂ and CO₂ levels were determined by EPA Method 3. The O₂ and CO₂ levels indicated below are the average of three test runs.

July 1996								
Constituent	Unit #1				Unit #2			
	CO ₂ % actual	12%CO ₂ factor	O ₂ % actual	7%O ₂ factor	CO ₂ % actual	12%CO ₂ factor	O ₂ % actual	7%O ₂ factor
CEMS	8.9	1.3	10.7	1.4	8.6	1.4	10.9	1.4
HCl	8.4	1.4	11.3	1.4	8.2	1.5	11.6	1.5
Hg	8.4	1.4	11.3	1.4	8.4	1.4	11.3	1.4
PM	8.4	1.4	11.3	1.4	8.2	1.5	11.6	1.5
PCDD/PCDF	8.7	1.4	11.0	1.4				
PAH	8.7	1.4	11.0	1.4				
Metals					8.6	1.4	11.1	1.4

May 1997								
Constituent	Unit #1				Unit #2			
	CO ₂ % actual	12%CO ₂ factor	O ₂ % actual	7%O ₂ factor	CO ₂ % actual	12%CO ₂ factor	O ₂ % actual	7%O ₂ factor
CEMS	8.7	1.4	11.1	1.4	8.7	1.4	11.1	1.4
HCl	8.3	1.4	11.5	1.4	8.7	1.4	11.2	1.4
Hg	8.3	1.4	11.5	1.4	8.7	1.4	11.1	1.4
PM	7.6	1.6	12.1	1.6	8.4	1.4	11.3	1.4
PCDD/PCDF					8.7	1.4	11.1	1.4
PAH					8.7	1.4	11.1	1.4
Metals	8.4	1.4	11.4	1.4				

Conclusion: The relationship of 7% O₂ to 12% CO₂ has been determined to be equal or 1:1. Therefore, the emission limits based on 7% O₂, indicated in the MACT Standards, are equivalent to the same numerical emission limit based on 12% CO₂.

ATTACHMENT F

**JUSTIFICATION OF ALTERNATE
INCREMENTS OF PROGRESS**



July 24, 1998

Ogden Martin Systems of Stanislaus
4040 Fink Rd., P.O. Box 278
Crows Landing, CA 95313
209 837 4423
Fax 209 837 4604

Air and Radiation Docket and Information Center (MC-6102)
ATTN: Docket No. A-97-45
United States Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

Dear Sir/Madam:

The purpose of this letter is to provide the rationale for the specific date differences in the increments of progress for the compliance schedule outlined in the proposed Federal Plan for Municipal Waste Combustors, 40 CFR Part 62 (63 FR 3509), and the California State 111(d) Plan/San Joaquin Valley Unified Air Pollution Control District Permit to Operate (PTO) No. N-2073-1-2, issued 03/17/98, for the Ogden Martin Systems of Stanislaus (OMSS) Facility, located in Crows Landing, California. For convenience, these increments of progress dates are listed below.

Increments of Progress	Submit final compliance plan	Award contracts for APC installation	Initiate on-site APC construction	Complete on-site APC construction	Demonstrate final compliance
Proposed Federal Plan (63 FR 3509)	09/21/98	05/18/99	11/14/99	11/19/00	12/19/00
CA State 111(d) Plan PTO N-2073-1-2	07/19/99	01/19/00	05/19/00	11/19/00	12/19/00
Requested site-specific schedule to be included in the Federal Plan	07/19/99	01/19/00	05/19/00	11/19/00	12/19/00

OMSS is one of 27 Resource Recovery facilities in the United States owned and operated by Ogden Energy Group, Inc. (OEG). The schedule of increment of progress submitted in the California State 111(d) Plan and PTO, were determined by the engineering team in charge of all MACT retrofits at these various OEG facilities. These dates were calculated with respect to scheduling conflicts, contract obligations to the client, including the City of Modesto and County of Stanislaus, and equipment and contractor availability. While the first three sub-compliance dates are different, OMSS contends that these dates are reasonable and do not jeopardize the final compliance date of December 19, 2000.

OEG provided comments on the proposed Federal Plan in the correspondence dated March 24, 1998, requesting that EPA modify the implementation schedule to be consistent with the schedule established in the current PTO and California State 111(d) Plan. Further conversations with EPA have indicated that alternative compliance schedules will be accepted for cases where a state 111(d) plan has been issued. In addition, once the California State 111(d) Plan has been approved by the U.S. EPA, OMSS will not be subject to the schedule in the Federal Plan.

Should you have any questions regarding this matter, please contact me at (209) 837-4423.

Sincerely,



Jill C. Reed
Environmental Compliance Engineer

cc: Mr. Richard Boyd
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812-2815

Ms. Julie McClintock
United States Environmental Protection Agency
MD-12
Research Triangle Park, NC 27711

Mr. Anthony Mendes
San Joaquin Valley Unified Air Pollution Control District
4230 Kiernan Avenue, Suite 130
Modesto, CA 95356-9321

Mr. Leon Brasowski
Ogden Energy Group, Inc.
40 Lane Road
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Fairfield, NJ 07007-2615

Mr. Derek Porter
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Fairfield, NJ 07007-2615